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1
2 CONSTITUTIONAL CONVENTION
3 OF THE
4 STATE OF MARYLAND
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8 Chamber of the House of Delegates

9 State Capitol

10 Annapolis, Maryland

11 October 6, 1967 - 2:00 p.m.
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14

15 HONORABLE H. VERNON ENEY,
16 PRESIDENT

17 HONORABLE JAMES CLARK,
18 FIRST VICE-PRESIDENT
19 PRESIDING
20
21

Maryland Room
University of Maryland Library
College Park Md.

Reported by:
C. J. Hunt

1 DELEGATE CLARK: The Sergeant at Arms will
2 clear the aisles and close the doors.

3 The Convention will now come to order.

4 The invocation today will be given by Father
5 George B. Moeller, St. Jane Frances Catholic Church,
6 Riviera Beach, Maryland.

7 (Whereupon the invocation was given by
8 Father Moeller.)

9 DELEGATE CLARK: Thank you.

10 We will now have the roll call.

11 (Whereupon the roll call was taken.)

12 DELEGATE CLARK: There being a quorum present,
13 the Convention is now in session.

14 The Chair recognizes Delegate Powers, Chairman
15 of the Committee on Credentials.

16 DELEGATE POWERS: Mr. President, the Committee
17 would like to announce that after consultation with the
18 officers and committee chairmen, and because of the
19 desirability of having some respite from duties, that on
20 October 27, Friday, we do not propose that we be in ses-
21 sion. In other words, on the Thursday before, we propose

1 to move to adjourn until the following Monday. Likewise,
2 on Thanksgiving Day and the day thereafter, we propose that
3 there not be sessions, and on Wednesday, the 22nd, we
4 propose to move to adjourn until the following Monday,
5 unless the Convention by majority vote decides to the con-
6 trary, this is the procedure we propose to follow.

7 I move that the Calendar and Agenda for today
8 be approved.

9 DELEGATE CLARK: The question arises on the
10 motion to approve the Calendar. All in favor, say Aye;
11 opposed No. It is so carried. The Calendar is adopted.

12 Are there any reports of the standing committees?

13 (There was no response.)

14 DELEGATE CLARK: We now come to introduction
15 and first reading of proposals.

16 Delegate Proposal No. 309. The Clerk will
17 read the proposal.

18 MR. QUILLEN: Delegate Proposal No. 309, by
19 Delegate Gill, A proposal that the new Constitution provide
20 for a record vote on final committee disposal of all bills
21 in the General Assembly to read as follows.

1 DELEGATE CLARK: Delegate Proposal 309 is re-
2 ferred to the Committee on the Legislative Branch.

3 Delegate Proposal 310. The Clerk will read the
4 proposal.

5 MR. QUILLEN: Delegate Proposal 310, by Delegate
6 James, A proposal that Article VII of the Constitution on
7 Local Government contain a provision dealing with municipal
8 corporations, to read as follows.

9 DELEGATE CLARK: Delegate Proposal 310 is re-
10 ferred to the Committee on Local Government.

11 Delegate Proposal 311.

12 MR. QUILLEN: Delegate Proposal 311, by Delegate
13 Gill, A proposal that the new Constitution provide for a
14 referendum in all counties affected by a boundary change,
15 to read as follows.

16 DELEGATE CLARK: Delegate Proposal No. 311 is
17 referred to the Committee on Local Government.

18 Delegate Proposal No. 312.

19 MR. QUILLEN: Delegate proposal number 312,
20 by Delegates Mitchel and White, A proposal that the Section
21 on Suffrage and Elections of the Constitution contain the

1 following provision.

2 DELEGATE CLARK: Delegate Proposal 312 is re-
3 ferred to the Committee on Suffrage and Elections.

4 Delegate Proposal 313. The Clerk will read
5 the proposal.

6 MR. QUILLEN: Delegate Proposal No. 312, by
7 Delegate Gallagher, A proposal that the new Constitution
8 shall limit the power of the State Legislature to enact
9 special legislation, to read as follows:

10 DELEGATE CLARK: Delegate Proposal 313 is re-
11 ferred to the Committee on Legislative Branch.

12 Delegate Proposal No. 314. The Clerk will
13 read the proposal.

14 MR. QUILLEN: Delegate Proposal No. 314, by
15 Delegate Gill, A proposal that the State Finances Article
16 of the new Constitution shall provide as follows.

17 DELEGATE CLARK: Delegate Proposal 314 is
18 referred to the Committee on State Finance and Taxation.

19 Delegate Proposal 315. The Clerk will read
20 the proposal.

21 MR. QUILLEN: Delegate Proposal 315, by Dele-

1 gate Gill, A proposal that the State Finances Article of
2 the new Constitution shall provide as follows.

3 DELEGATE CLARK: Delegate Proposal 315 is re-
4 ferred to the Committee on State Finance and Taxation.

5 Delegate Proposal 316. The Clerk will read the
6 proposal.

7 MR. QUILLEN: Delegate Proposal 316, by Dele-
8 gate Gill, A proposal that the State Finances Article of
9 the new Constitution shall provide as follows.

10 DELEGATE CLARK: Delegate Proposal 316 is re-
11 ferred to the Committee on State Finance and Taxation.

12 Delegate Proposal 317. The Clerk will read
13 the proposal.

14 MR. QUILLEN: Delegate Proposal 317, by Dele-
15 gate Gill, A proposal that the new Constitution provide
16 that no new legislation be introduced during the last nine
17 days of the regular session of the General Assembly, to
18 read as follows.

19 DELEGATE CLARK: Delegate Proposal 317 is re-
20 ferred to the Committee on the Legislative Branch.

21 Delegate Proposal No. 318. The Clerk will read

1 the proposal.

2 MR. QUILLEN: Delegate Proposal No. 318, by
3 Delegate Finch, A proposal that the Constitution shall
4 contain a provision requiring the General Assembly to
5 provide for continuity of government in the event of a
6 major disaster or major enemy attack, including, but not
7 limited to, atomic, nuclear, gas, chemical and bacterio-
8 logical warfare.

9 DELEGATE CLARK: Delegate Proposal 318 is re-
10 ferred to the Committee on the Legislative Branch.

11 Delegate Proposal No. 319. The Clerk will read
12 the proposal.

13 MR. QUILLEN: Delegate Proposal No. 319, by
14 Delegate Boyer, A proposal that the Constitution contain the
15 following provision dealing with the adoption by the
16 State of the Common Law of England, such of the English
17 Statutes which are applicable to local circumstances, the
18 Acts of Assembly which are appropriately enforceable and
19 entitling the citizens of Maryland to all property derived
20 by charter from the King, to read as follows.

21 DELEGATE CLARK: Delegate Proposal 319 is

1 referred to the Committee on General Provisions.

2 Delegate Proposal No. 320. The Clerk will read
3 the proposal.

4 MR. QUILLEN: Delegate Proposal No. 320, by
5 Delegate K. L. Robie, A proposal that Article IV, Section
6 4.21 of the Constitution dealing with the appointment of
7 members of boards which serve as the head of principal
8 departments read as follows.

9 DELEGATE CLARK: Delegate Proposal 320 is re-
10ferred to the Committee on Executive Branch.

11 Delegate Proposal 321. The Clerk will read
12 the proposal.

13 MR. QUILLEN: Delegate Proposal No. 321 by
14 Delegate Finch, A proposal that the Constitution provide that
15 Amendments to this Constitution may be proposed either by
16 the affirmative vote of three-fifths of all the members
17 of each house of the General Assembly of two successively
18 elected Legislatures, or by a majority of all the members
19 of a Constitutional Convention called by the General Assem-
20bly. In either case, the proposed amendment shall be sub-
21mitted to the voters of the State at a special or General

1 election as determined by the General Assembly.

2 DELEGATE CLARK: Delegate Proposal 321 is re-
3 ferred to the Committee on General Provisions.

4 Delegate Proposal 322. The Clerk will read
5 the proposal.

6 MR. QUILLEN: Delegate Proposal No. 322, by
7 Delegate Finch, A proposal that the Constitution provide
8 that any attempt to interfere with any law enforcement
9 officer's investigation shall be reported, within 24
10 hours following such attempt, to the Attorney General or
11 to the local State's Attorney.

12 DELEGATE CLARK: Delegate Proposal No. 322 is
13 referred to the Committee on Executive Branch.

14 Delegate Proposal No. 323. The Clerk will
15 read the proposal.

16 MR. QUILLEN: Delegate Proposal No. 323, by
17 Delegate Finch, A proposal that the Constitution pro-
18 vide that the General Assembly may enact legislation to
19 renew and rebuild communities, to design and develop
20 new communities, programs and facilities to enhance the
21 physical and economic environment, health,

1 welfare, social well-being and development of the people
2 of the State, and to encourage the expansion of economic
3 opportunity for all.

4 DELEGATE CLARK: Delegate Proposal No. 323
5 is referred to the Committee on the Legislative Branch.

6 Delegate Proposal No. 324. The Clerk will read
7 the proposal.

8 MR. QUILLEN: Delegate Proposal No. 324, by
9 Delegate Finch, A proposal that the State furnish necessary
10 medical attention and mental and physical rehabilitation
11 for all State citizens, who are financially and economically
12 incapable of paying for such services.

13 DELEGATE CLARK: Delegate Proposal 324 is re-
14 ferred to the Committee on Personal Rights and Preamble.

15 Delegate Proposal No. 325. The Clerk will read
16 the proposal.

17 MR. QUILLEN: Delegate Proposal No. 325, by
18 Delegate Finch, A proposal that the Constitution provide
19 that State, county, or local governments, or any other
20 public corporation may grant to any private person,
21 association, organization or corporation, in any year or

1 annually thereafter, by contract or by loan, its money
2 for economic, social and community development; the pro-
3 ceeds of such loans shall be used only for capital expendi-
4 tures (including necessary facilities and equipment to
5 furnish buildings or facilities resulting from the capital
6 expenditures).

7 DELEGATE CLARK: Delegate Proposal 325 is re-
8 ferred to the Committee on State Finance and Taxation.

9 We now come to the order of business, motions
10 and resolutions. We have Resolution No. 14. The Clerk will
11 read the resolution.

12 MR. QUILLEN: Resolution No. 14, by Delegate
13 Malkus, A resolution concerning the appointment of an
14 historian for the Constitutional Convention.

15 DELEGATE CLARK: Resolution No. 14 is referred
16 to the Committee on Rules.

17 The Chair would like to announce that there
18 has been a request for a roster of Convention personnel.
19 This I think has been circulated previously. Some people
20 have probably lost them or maybe they didn't get them.
21 Anyhow this will be forthcoming on Monday.

1 An attempt will be made to keep it up to date,
2 if there are changes.

3 Are there any announcements by the committee
4 chairmen?

5 The Chair recognizes Delegate Morgan.

6 DELEGATE MORGAN: The Committee on the Executive
7 Branch will meet after the session on Monday to hear from
8 Mr. Arthur Marshall, State's Attorney from Prince Georges
9 County. On Tuesday morning, at 10 a.m., the Committee will
10 hear from Governor Agnew, and we will hold our meeting in
11 the Senate Chamber, right across the hall here.

12 DELEGATE CLARK: The Chair recognizes Delegate
13 Boyer.

14 DELEGATE BOYER: Mr. President, the Committee
15 on General Provisions will conclude, hopefully, its
16 deliberations on the educational facets referred to us.
17 Monday before the session we will meet at 1:00 o'clock to
18 hear from Dr. Eugene McLoone, of the School of Education,
19 University of Maryland, then from Mr. Allen Wilner, then
20 from Mr. Marvin Mandel, of the Legislative Council. This
21 will deal with fiscal matters of education, and then, of

1 course we go into session at 4:00, and we will continue
2 our deliberations for the rest of the day after we adjourn
3 Monday, but for the time being this will be, since we will
4 have no other opportunity to announce to the Convention
5 the schedule of witnesses before we meet on Monday. I
6 thought this would be an opportune time to do it.

7 DELEGATE CLARK: Delegate Gallagher?

8 DELEGATE GALLAGHER: Mr. President, the Com-
9 mittee on the Legislative Branch will meet at 2:00 p.m.
10 on Monday to hear from Professor Dixon of George Washing-
11 ton University, and on Monday evening at 7:30 here in the
12 State House we will begin the first of a series of public
13 meetings, to discuss various phases of the Legislative
14 Branch.

15 DELEGATE CLARK: Delegate Penniman?

16 DELEGATE PENNIMAN: Mr. President, the Com-
17 mittee on Style will meet on Monday at 2:30 p.m.

18 DELEGATE CLARK: Delegate Koss?

19 DELEGATE KOSS: The Committee on Suffrage and
20 Elections will meet at 1:00 o'clock on Monday, hopefully
21 to start in on the final phase of making decisions. Thank
you.

1 DELEGATE CLARK: Delegate Kiefer?

2 DELEGATE KIEFER: Mr. President, the Committee
3 on Personal Rights and Preamble meet Monday at 2:00 o'clock.
4 I would like to call attention to the fact that that night
5 at 8:00 o'clock, we will have, rather 7:30, beg your
6 pardon, we will have a public hearing involving, again,
7 due processing, protection, and rights of the poor, a
8 number of organizations. People have asked to come to be
9 heard. Anybody else who would like to be heard, please
10 register with the Administrative Assistant of our Com-
11 mittee so that we can make room on the program for you.
12 The hearing will be in the Senate Chamber, I am told.

13 DELEGATE CLARK: Delegate Mudd?

14 DELEGATE MUDD: Mr. President, the Committee
15 on Judicial Branch, from the announcements today, obviously
16 the hardest working day, will meet at 3 o'clock today
17 on the matter of Orphans Court, and at that time, we will
18 hear from the judges of the Orphans Court of Baltimore
19 City, Prince George County and Baltimore County. On
20 Monday, we resume hearings at 1:00 p.m., at which time we
21 will consider Delegate Proposal 236 having to do with

1 creating the tax court as a constitutional court, and our
2 hearings that day will continue before the session time.
3 Thank you.

4 DELEGATE CLARK: Delegate Scanlan?

5 DELEGATE SCANLAN: Mr. President, not to upstage
6 the Judiciary Committee nor to show the Judiciary Committee,
7 like the courts, can often be wrong, the Committee on
8 Rules will meet very briefly following the session to
9 receive an important communication from the Secretary of
10 the Convention. The meeting will be very brief, and it
11 is of utmost importance.

12 DELEGATE CLARK: Delegate Sherbow?

13 DELEGATE SHERBOW: The Committee on State
14 Finance and Taxation will continue its meetings. They
15 are being posted, but the next week's schedule, Tuesday
16 at 10:00 o'clock, proposals introduced by Delegate Storm
17 and Delegate Finck will be heard. On Wednesday, October
18 11 at 10:00 o'clock, there will be a public hearing on
19 the subject of lottery.

20 If you have any interest there in yourselves or
21 others who are interested, we would like you to come to

1 To the meeting, or write giving your views. On Thursday,
2 at 10:00 a.m., we will hear from school officials and
3 other interested parties on the subject of the mandatory
4 provisions in the budget relating to the school budget.

5 DELEGATE CLARK: Delegate Moser?

6 DELEGATE MOSER: Mr. President, the Committee
7 on Local Government will next meet at 12:30 on Monday, at
8 which time there will be a hearing on Delegate Proposal
9 50 relating to Baltimore City districts, and at 1:00
10 o'clock, we are scheduling a hearing on Proposal 111,
11 relating to mandatory districting of county councils.
12 At 2:30, there are scheduled for hearing a number of dele-
13 gate proposals dealing with interstate and intrastate
14 compacts, including 10, 189, 231, 232, and 242, which is
15 referred to another committee, but relates to the same
16 subject.

17 In addition -- well, I think most of these have
18 been introduced by Delegate Finch, and this will serve not-
19 ice that with respect to Proposal 288, which Delegate
20 Finch introduced, I think a few days ago, and also the
21 proposals that have come in through today by him, this

1 will afford him an opportunity to be heard by this
2 Committee.

3 At 7:00 p.m., the Local Government Committee
4 will hear from Mr. Robert Doyle, the Director, Division
5 of Planning Assistance, Office of Metropolitan Develop-
6 ment; and at 8:00 p.m., from Mrs. Jean Ross, the Mont-
7 gomery Committee for public schools.

8 DELEGATE CLARK: Delegate Dulany?

9 DELEGATE DULANY: Mr. President, the Committee
10 on Public Information will meet Monday immediately after
11 the session. We hope to have acquired a committee room
12 by that date, and I will announce it at Monday's meeting.
13 Thank you.

14 DELEGATE CLARK: Are there any other announce-
15 ments?

16 For what purpose does the gentleman arise?

17 DELEGATE SICKLES: I would like to record my
18 presence.

19 DELEGATE CLARK: You will be recorded. Anyone
20 else wishes to record their presence?

21 DELEGATE MORGAN: Mr. President, I would like

1 to record my presence.

2 DELEGATE CLARK: Anyone else? If not, the
3 Chair recognizes Delegate Powers.

4 DELEGATE POWERS: Mr. President, I move we
5 adjourn until Monday, October 9 at 4:00 p.m.

6 DELEGATE CLARK: All in favor, say Aye; so
7 ordered.

8 (Whereupon the hearing adjourned at 2:22 p.m.)

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11 State Capitol

12 Annapolis, Maryland

13 October 9, 1967 - 4:00 p.m.
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17 HONORABLE H. VERNON ENEY,
18 PRESIDENT
1920 Reported by:
21 W. P. Banister

1 THE PRESIDENT: The Convention will please come
2 to order. The invocation will be offered by the
3 Reverend Richard O. Satchell, Valley Baptist Church,
4 Lutherville, Maryland.

5 (At this time the invocation was offered by
6 Reverend Stachell.)

7 THE PRESIDENT: Roll call. All delegates indicated
8 their presence?

9 (Whereupon the roll call was taken.)

10 THE PRESIDENT: The Clerk will record the
11 roll call.

12 THE PRESIDENT: There being a quorum present,
13 the Convention is in session.

14 Delegate Powers.

15 DELEGATE POWERS: I move the adoption of
16 the daily calendar and agenda.

17 (The motion was duly seconded.)

18 THE PRESIDENT: All those in favor, signify by
19 saying aye; contrary, no. The calendar is adopted.

20 Reports of any standing committees? If not,
21 we will move to the introduction and first reading of

1 proposals. You should have received this morning and
2 have on your desk a memorandum accompanying Resolution
3 No. 11 which was offered last week. Memorandum is there
4 today. You should also have a memorandum accompanying
5 Delegate Proposal No. 138 which was offered quite some
6 time ago.

7 Delegate Proposal No. 47 has been returned to
8 me and I re-refer it to the Committee on Personal
9 Rights and the Preamble. That proposal was heretofore
10 erroneously referred to, I think, the Committee on The
11 Legislative Branch. Please mark your Delegate Proposal
12 No. 47 referred to Committee on Personal Rights and the
13 Preamble.

14 There are only four proposals to be introduced
15 today. This is the low point since the first session.

16 Delegate Proposal No. 326. The Clerk will
17 read the proposal.

18 MR. QUILLEN: Delegate Proposal No. 326, by
19 Delegates Gallagher and Gilchrist. A proposal that the
20 new Constitution provide for the slot system of election
21 in multi-member districts, to read as follows:

1 THE PRESIDENT: Delegate Proposal No. 326 is
2 referred to the Committee on The Legislative Branch.
3 There is a one-page memorandum by Delegates Gallagher and
4 Gilchrist accompanying that proposal.

5 Delegate Proposal No. 327. The Clerk will
6 read the proposal.

7 MR. QUILLEN: Delegate Proposal No. 327, by
8 Delegate Finch. A proposal that the Constitution provide
9 that the General Assembly shall not enact an ex post facto
10 law.

11 THE PRESIDENT: Delegate Proposal No. 327 is
12 referred to the Committee on Personal Rights and the
13 Preamble.

14 Delegate Proposal No. 328. The Clerk will
15 read the proposal.

16 MR. QUILLEN: Delegate Proposal No. 328, by
17 Delegate Frank C. Robey, Jr. A proposal that the
18 Constitution provide for a separate Article concerning the
19 establishment of a Classified State Civil Service and
20 matters generally relating thereto, to read as follows:

21 THE PRESIDENT: Delegate Proposal No. 328 is

1 referred to the Committee on The Executive Branch.

2 Delegate Proposal No. 329. The Clerk will
3 read the proposal.

4 MR. QUILLEN: Delegate Proposal No. 329, by
5 Delegate Finch. A proposal that the Constitution provide
6 that the State, or political subdivisions thereof, may
7 make outright grants, or loan monies by contract or
8 agreement, to State or local authorities (acting in their
9 official capacity only) for, but not limited to, housing,
10 urban and community renewal projects, and social and
11 recreational purposes.

12 THE PRESIDENT: Delegate Proposal No. 329 is
13 referred to the Committee on State Finance and Taxation.

14 Are there any motions and resolutions? If
15 not, I have a few announcements to make. The cloth
16 bound copies of the final report of the Constitutional
17 Convention Commission are being distributed today, each
18 copy is imprinted with the name of the delegate. Please
19 be sure that you have the copy bearing your name. If you
20 have someone else's copy, please exchange it with him.
21 The name is imprinted in the lower right corner of the

1 outside cover.

2 Some time ago several delegates requested
3 that there be made available to the Convention delegates
4 a report of a committee, Committee on Judicial
5 Administration of the Maryland State Bar Association.
6 The Committee, Chairman of which was Delegate Richard W.
7 Case. Because the report bears on some of the
8 recommendations of the Constitutional Convention Commission
9 dealing with the article on the Judicial Branch, we tried
10 to obtain sufficient copies of the report to circulate
11 among the delegates. Only a half dozen of the reports
12 were available so that we have reproduced it by duplicating
13 it. You should have it on your desk now. It is in a
14 yellow cover.

15 I announced on Friday that the roster of
16 Convention personnel would be, which was heretofore
17 made available to the Committee on Rules, Credentials
18 and Convention Budget, would be distributed to all
19 delegates today. Unfortunately a mistake was made in
20 duplicating the roster and it is not available to you
21 this afternoon. It will be on your desks tomorrow.

1 Are there any announcements by committee
2 chairmen? Delegate Vecera?

3 DELEGATE VECERA: Mr. Chairman, ladies and
4 gentlemen of the Convention, I would like to present at
5 this time and recommend adoption of the first favorable
6 report of the committee.

7 On Tuesday October 17, 1967, immediately
8 subsequent to the adjournment of our session here, we
9 plan a cruise on the Port Welcome leaving Annapolis to
10 Baltimore Harbor or thereabouts. There will be ample
11 food and music, the price is \$5 per person, payable
12 by check, please, to Miss Susan McCaffrey in the Secretary's
13 office.

14 Spouses of delegates are invited and the
15 Convention staff is invited, also the working press.
16 Please get your money in as soon as possible if it is
17 approved here today.

18 The Committee would also like to publicly
19 thank Delegate Rush for his suggestions and efforts in
20 this committee and also would like to especially thank
21 Delegate Sosnowski for his special help in obtaining the

1 Port Welcome.

2 We would also like to thank the Port Authority
3 for their generosity in making the boat available because
4 \$5 covers the entire thing.

5 I will have tickets printed upon adoption
6 of the people here of the Convention adopting it,
7 will have tickets printed. I think we are going to make
8 it mandatory that you display these tickets when
9 aboard ship.

10 Any donations from delegates with respect to
11 food or beverages, perhaps oysters from the Eastern Shore
12 Delegation, we will be glad to accept.

13 I am trying to plan a formal affair with a
14 dance. Some of you suggested this. We are still in the
15 process of working on this particular aspect. Thank you,
16 Mr. President.

17 THE PRESIDENT: Mr. Vecera, would you restate
18 the date and hours and place.

19 DELEGATE VECERA: Date is October 17, 3 p.m.,
20 immediately after the adjournment of our session here.
21 The trip will take approximately six hours. I am still

1 working this out with Mrs. Johns. It will dock back here
2 in Annapolis. Our spouses can meet us here or go aboard
3 ship while here working in the Convention.

4 THE PRESIDENT: We leave at the dock down
5 near the Yacht Club in Annapolis.

6 DELEGATE VECERA: Yes, Mr. President, and will
7 return here.

8 THE PRESIDENT: I take it no formal action
9 with respect to this report is necessary. In the absence
10 of objection, I will accept the report and consider it
11 approved.

12 So ordered.

13 Any further announcements by committee chairmen?
14 Delegate Morgan?

15 DELEGATE MORGAN: Mr. President, the Committee
16 on The Executive Branch is going to meet right after this
17 session here today to hear from the State's Attorney
18 of Prince Georges County. Tomorrow morning in the
19 Senate Chamber across the hall we will hear from Governor
20 Agnew. Then on Wednesday at 9:30 a.m. we will hear and
21 during the course of that day we will hear from most of

1 the State's Attorney's throughout the state. We designated
2 that as State's Attorneys Day.

3 On the following day, namely, Thursday, at
4 11 a.m., we will hear from former Governor Driscoll of
5 New Jersey.

6 THE PRESIDENT: Delegate Mudd.

7 DELEGATE MUDD: Mr. President, the Committee
8 on the Judicial Branch resumes its hearings tomorrow
9 morning at 10 o'clock at which time we have the pleasure
10 of hearing from Judge Shearin of Montgomery County. At
11 11 o'clock we have Mr. Glenn R. Winters, of the American
12 Judicature Society to appear before our committee and
13 at noon Honorable James A Wise, State's Attorney for Caroline
14 County. Thank you.

15 THE PRESIDENT: Any further announcements?
16 Delegate Kiefer.

17 DELEGATE KIEFER: Mr. President, the Committee
18 on Personal Rights and Preamble will meet immediately after
19 this meeting at 7:30 this evening. There will be a public
20 hearing in the basement of the Shaw House to which everyone
21 is invited. These people speak for themselves or are

1 representing groups. Brian Glick, Esquire, Acting
2 Director for Center for Social Welfare Law, Columbia
3 University of Law School, New York City. Parran Mitchell,
4 Director of Community Action Agency of Baltimore,
5 Walter Lively, Director of U.J.O.I.N., Daniel Gant,
6 Director of Target City, C.O.R.E., Walter W. Black,
7 State Director of Branches, Maryland N.A.A.C.P.. Community
8 Action Agency-Neighborhood residents, and Mr. George
9 Washington Williams, if he will also be there, but I am
10 not sure.

11 THE PRESIDENT: Delegate Scanlan.

12 DELEGATE SCANLAN: Committee on Rules will meet
13 at noon tomorrow to consider Resolution No. 11 and I
14 invite the sponsor of the resolution to appear before the
15 committee as the committee intends to take action on it
16 tomorrow.

17 At the conclusion of the session tomorrow,
18 we will have an open public hearing on the proposed
19 Convention budget which hearing also will embrace
20 Resolution 13 proposed by Delegate Malkus.

21 THE PRESIDENT: Delegate Sherbow.

1 DELEGATE SHERBOW: Mr. President, Committee on
2 State Finance and Taxation will continue its hearings
3 tomorrow at 10 o'clock. All delegate proposals before
4 this committee are being scheduled for hearing, all
5 sponsors are receiving notification. We want to be able
6 to have the sponsors at least heard by the end of next
7 week so that all matters before this committee can then
8 be debated within the committee and reports sent to the
9 floor or where they are completely unfavorable finally
10 disposed of before the committee.

11 THE PRESIDENT: Delegate Dulany.

12 DELEGATE DULANY: Mr. President, the Committee
13 on Public Information will meet today 15 minutes after
14 adjournment in the Baltimore City Delegation Room in the
15 Shaw House.

16 THE PRESIDENT: Delegate Gallagher.

17 DELEGATE GALLAGHER: Mr. President, the
18 Committee on the Legislative Branch will meet approximately
19 15 minutes after this session to hear from Delegate Werner
20 Fornos in connection with one of his proposals and tonight
21 at 7:45 to take up the general question of apportionment of

1 number of legislators for districts and meet again
2 tomorrow morning at 9:30.

3 THE PRESIDENT: Delegate Boyer.

4 DELEGATE BOYER: Mr. President, the
5 Committee On General Provisions will continue its delibera-
6 tions by hearing from some scheduled witnesses this after-
7 noon at 5 o'clock. We will hear from Senator and our
8 Esteemed Second Vice President Mr. William James. We will
9 adjourn for dinner and then at 7 o'clock will hear from
10 Mr. Michael Eisenberg, representing the Judicial Community
11 Council of Washington. After that we will hear from
12 some representatives of the Seventh Day Adventists who
13 have requested to be heard. Tomorrow and Wednesday
14 we dropped out from any scheduled witnesses so we can
15 at least preliminarily explore and investigate our own thoughts
16 on education from many valuable contributions made by
17 witnesses to date.

18 May I suggest to the committee although our
19 first scheduled meeting does not begin until 5, may I
20 request you return to our headquarters as soon as possible.
21 We have some internal affairs to take up before the witnesses.

1 Thank you.

2 THE PRESIDENT: Any further announcements?
3 Delegate Moser?

4 DELEGATE MOSER: Mr. President, the Committee
5 on Local Government will reconvene at 7 p.m. this evening.
6 The subject will be Federal-state interrelationship and with
7 us will be Mr. Robert Doyle, who is director of the Division
8 of Planning Assistance, Office of Metropolitan Development,
9 Housing and Urban Development. Later this evening we will
10 have Mrs. Ross of the Montgomery County Committee for Public
11 Schools.

12 THE PRESIDENT: Any other announcements? Any
13 delegates present now who were not present at roll call
14 desire to indicate their presence? Delegate Stern?

15 DELEGATE STERN: I would like to have my
16 presence noted.

17 THE PRESIDENT: Any other delegates?

18 DELEGATE GALLAGHER: I would like to indicate
19 my presence.

20 THE PRESIDENT: Delegate Beall was here a
21 moment ago and not at roll call. Is he in the room now?

1 DELEGATE CLARKE: Yes, he is here.

2 THE PRESIDENT: Any other delegates present
3 now who were not present at roll call? If not, the
4 chairman recognizes Delegate Powers, Chairman of the
5 Committee on Calendar and Agenda.

6 Go ahead, Delegate Beall.

7 DELEGATE BEALL: I want to note my presence,
8 please, sir.

9 THE PRESIDENT: Delegate Powers.

10 DELEGATE POWERS: I move we adjourn to 2 p.m.
11 tomorrow.

12 THE PRESIDENT: All in favor, signify by
13 saying Aye; contrary, no. So ordered.

14 (Whereupon the session was adjourned at
15 4:23 p.m. to reconvene at 2 p.m. October 10, 1967.)

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Maryland State
University of Natural and Life Sciences
College Park, Md.

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3 CONSTITUTIONAL CONVENTION
4 OF THE
5 STATE OF MARYLAND
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10 Chamber of the House of Delegates
11 State Capitol
12 Annapolis, Maryland
13 October 10, 1967 - 2:00 p.m.
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17 HONORABLE H. VERNON ENEY,
18 PRESIDENT
19

20 Reported by:
21 W. P. Banister

1 THE PRESIDENT: The Convention will come to
2 order.

3 The invocation will be offered by the Reverend
4 William F. Murdock of Lansdowne Christian Church, Lansdowne,
5 Maryland. Reverend Murdock.

6 (At this time the invocation was offered by
7 Reverend William F. Murdock.)

8 THE PRESIDENT: Roll call. Have all delegates
9 indicated their presence?

10 (At this point a roll call was taken.)

11 THE PRESIDENT: The Clerk will record the roll
12 call.

13 There being a quorum present, the Convention is
14 now in session. The Chair recognizes Delegate Powers
15 Chairman of the Committee on Calendar and Agenda.

16 DELEGATE POWERS: I move adoption of the daily
17 calendar and agenda.

18 THE PRESIDENT: Is there a second? Delegate
19 White. (The motion was duly seconded.)

20 DELEGATE WHITE: Mr. President, I would like
21 to have the calendar amended in order that I may seek

1 clarification at the proper moment on certain rules.

2 THE PRESIDENT: I am not sure I understand.
3 Seek clarification on --

4 DELEGATE WHITE: On Rule 28.

5 THE PRESIDENT: Seek clarification from whom?

6 DELEGATE WHITE: From the Chair in the presence
7 of the entire Convention since there seems to be some
8 misunderstanding among some delegates with whom I have
9 spoken on the meaning which I can bring to your
10 attention at the proper time or may I do that now?

11 THE PRESIDENT: I should think that would be
12 permissible without amending the calendar, Delegate White.
13 I will recognize you for that purpose at the proper time.

14 DELEGATE WHITE: Thank you.

15 THE PRESIDENT: Any further discussion of the
16 question? All in favor of the motion to approve the
17 calendar signify by saying Aye; contrary, No. The Ayes
18 have it, calendar approved. The first on the agenda is
19 the 8th Report of the Committee on Rules. The report is
20 relatively short and has been circulated today, should be
21 on your desk. I will ask the Clerk to read it in its

1 entirety because I think we can dispose of it today.

2 MR. QUILLEN: The Committee Report No. RNC8 by
3 the Committee on Rules, Credentials and Convention Budget,
4 Alfred Scanlan, Chairman, Report on Resolution No. 3.

5 The Committee on Rules, Credentials and
6 Convention Budget has considered Resolution No. 3 introduced
7 by Delegate Malkus on September 20, 1967. The Resolution
8 concerns both budgetary and financial affairs of the
9 Convention, as well as matters relating to public informa-
10 tion. The Committee is of the opinion, and Delegate Malkus
11 agrees, that under Rule 47 of the Rules of the Convention
12 the questions raised by Resolution No. 3 are divisible.
13 Accordingly, the Committee requests that portion of
14 Resolution 3 which pertains to public information be
15 returned to the presiding office of the Convention with
16 the recommendation that it be referred to the Committee
17 on Public Information. The Committee also wishes to
18 advise that Delegate Malkus has informed the Committee that
19 he regards those parts of Resolution No. 3 which pertain
20 to budgetary matters to be superseded by Resolution No. 13
21 which he introduced on October 5, 1967, and which the

1 Committee on Rules now has under consideration.

2 The Committee on Rules, Credentials and Conven-
3 tion Budget recommends that Resolution No. 3 be divided
4 and that the part thereof which relates to public informa-
5 tion matters be returned to the President to be referred
6 to the Committee on Public Information.

7 THE PRESIDENT: As the Chair understands the
8 report and statement contained therein with respect to the
9 sponsor of the Resolution No. 3, the first
10 resolution which is the third paragraph from the end on Page
11 2, is withdrawn and superseded by Resolution No. 13.

12 If that understanding is correct and in the
13 absense of objection, the report will be received and
14 Resolution No. 3, with the omission of the paragraph
15 indicated, will be referred to the Committee on Public
16 Information. Is there any objection? If not, it is so
17 ordered.

18 Next item on the calendar is introduction and
19 first reading of proposals. There are twelve proposals
20 today, Numbers 330 to 341.

21 Delegate Proposal No. 330. The Clerk will read

1 MR. QUILLEN: Delegate Proposal No. 330, by
2 Delegate Scanlan. A proposal that the Legislative
3 Article of the Constitution provide for the style, title
4 and subject of the laws of the State, and matters generally
5 relating thereto, to read as follows:

6 THE PRESIDENT: Delegate Proposal No. 330 is
7 referred to the Committee on The Legislative Branch.
8 There is a memorandum accompanying Delegate Proposal No.
9 330.

10 Delegate Proposal No. 331. The Clerk will read
11 the proposal.

12 MR. QUILLEN: Delegate Proposal No. 331, by
13 Delegates Bennett, Hardwicke, L. Taylor, Beachley, White,
14 Miller, Chabot, and Pullen. A proposal that the Declara
15 tion of Rights contain a provision regarding inalienable
16 rights that shall read as follows:

17 THE PRESIDENT: Delegate Proposal No. 331
18 is referred to the Committee on Personal Rights and the
19 Preamble. Delegate Proposal No. 332. The Clerk will
20 read the proposal.

21 MR. QUILLEN: Delegate Proposal No. 332, by

1 Delegates Tawes and James. A proposal establishing the
2 Board of Public Works, and matters generally relating
3 thereto, to read as follows:

4 THE PRESIDENT: Delegate Proposal No.332 is
5 referred to the Committee on the Executive Branch.
6 Delegate Proposal No. 332. The Clerk will read the proposal.

7 MR. QUILLEN: Delegate Proposal No. 333, by
8 Delegate Maurer. A proposal that Article I, Section 1.04,
9 dealing with Due Process shall read as follows:

10 THE PRESIDENT: Delegate Proposal No. 333 is
11 referred to the Committee on Personal Rights and the
12 Preamble.

13 Delegate Proposal No. 334. The Clerk will
14 read the proposal.

15 MR. QUILLEN: Delegate Proposal No. 334, by
16 Delegate Powers. A proposal that the Constitution
17 provide that the minimum age for voting be twenty-one
18 years unless an earlier age is established by law.

19 THE PRESIDENT: Delegate Proposal No. 334 is
20 referred to the Committee on Suffrage and Election.

21 Delegate Proposal No. 335. The Clerk will read

1 the proposal.

2 MR. QUILLEN: Delegate Proposal No. 335, by
3 Delegate Maurer.

4 A proposal that the Declaration of Rights of
5 the Constitution shall include a mandate to disclose
6 information relating to state and local governments, public
7 authorities and corporations, and agencies and instrumen-
8 talities thereof, to read as follows:

9 THE PRESIDENT: Delegate Proposal No. 335 is
10 referred to the Committee on General Provisions.

11 Delegate Proposal No. 336. The Clerk will
12 read the proposal.

13 MR.QUILLEN: Delegate Proposal No. 336, by
14 Delegate White. A proposal that the Declaration of Rights
15 of the Constitution contain a provision concerning citizen's
16 rights to read as follows:

17 THE PRESIDENT: Delegate Proposal No. 336 is
18 referred to the Committee on Personal Rights and the
19 Preamble.

20 Delegate Proposal No. 337 . The Clerk will
21 read the proposal.

1 MR. QUILLEN: Delegate Proposal No. 337, by
2 Delegate Maurer. A proposal that the Constitution
3 provide for the establishment of a system of personnel
4 administration in which the merit system will govern the
5 appointment and promotion of employees, to read as follows:

6 THE PRESIDENT: Delegate Proposal No. 337 is
7 referred to the Committee on The Executive Branch.

8 Delegate Proposal No. 338. The Clerk will
9 read the proposal.

10 MR. QUILLEN: Delegate Proposal No. 338, by
11 Delegate Maurer. A proposal that Section 4.18 of Article
12 IV of the Constitution dealing with the Executive Branch
13 shall provide for the Organization of Principal Departments
14 which shall read as follows:

15 THE PRESIDENT: Delegate Proposal No. 338
16 is referred to the Committee on The Executive Branch.

17 Delegate Proposal No. 339. The Clerk will
18 read the proposal.

19 MR. QUILLEN: Delegate Proposal No. 339, by
20 Delegate Gill. A proposal that the new Constitution
21 provide for equality of access to information, to read

1 as follows:

2 THE PRESIDENT: Delegate Proposal No. 339 is
3 referred to the Committee on Personal Rights and the
4 Preamble. Delegate Proposal No. 340. The Clerk will
5 read the proposal.

6 MR. QUILLEN: Delegate Proposal No. 340, by
7 Delegate Kirkland. A proposal that the Constitution shall
8 provide for a bicameral legislature, the composition of the
9 legislature, and matters generally relating thereto.

10 THE PRESIDENT: Delegate Proposal No. 340 is
11 referred to the Committee on the Legislative Branch.

12 Delegate Proposal No. 341. The Clerk will
13 read the proposal.

14 MR. QUILLEN: Delegate Proposal No. 341, by
15 Delegates Kirkland and Sosnowski. A proposal that the
16 Constitution provide for a statewide system of public
17 higher education and matters generally relating thereto, to
18 read as follows:

19 THE PRESIDENT: Delegate Proposal No. 341 is
20 referred to the Committee on General Provisions.

21 Next item of business is motions and resolutions.

1 One motion, Motion No. 3. The Clerk will read the motion.

2 MR. QUILLEN: Motion No. 3, by Delegate White.

3 A motion to amend Rule 28 to provide for
4 minority amendment of committee reports.

5 THE PRESIDENT: This pertains to the subject
6 matter about which you asked the question. Do you want
7 to put your inquiry now?

8 DELEGATE WHITE: Yes, Mr. President. It is the same
9 area concerned. I would like to have clarification officially
10 on, I will give this example. The Committee makes a
11 majority report to the committee as a whole. There is
12 a minority report made up of 20 per cent of the Committee.
13 I understand that. But in the event a proposal is voted
14 down by a majority of a Committee which is considering the
15 proposal, then there is a minority of 20 per cent, would
16 this minority have opportunity to express its views to
17 the Convention or would the action of the majority of that
18 committee leave the proposal in committee? Would a proposal
19 which is turned down by a majority of the committee
20 properly come before this Convention? This is the question
21 I wanted answered, if possible.

1 I understand, of course, that any member of
2 the Convention may offer a motion which, if approved by
3 a majority of this Convention, can force any committee
4 to discharge a particular proposal. But is an item dead
5 if the majority of the committee votes it down?

6 THE PRESIDENT: I am not certain that I under-
7 stand your inquiry but, as I understand it, I believe it
8 is covered by Rule 30. Are you familiar with that rule,
9 Delegate White?

10 DELEGATE WHITE: Yes.

11 THE PRESIDENT: If I understand your inquiry,
12 you are asking whether if a committee majority determines
13 not to report a particular proposal, is there any means
14 by which the sponsor of the proposal or anyone else can
15 have it brought to the floor? The answer is yes.

16 The proceeding is under Rule 30. The sponsor
17 or any other delegate after one day's session notice could
18 move that the committee report with or without recommenda-
19 tion, and if he was supported in that motion by a majority
20 of all the delegates, 72, then the proposal would be
21 reported to the floor with or without committee recommendation

1 Does that answer your inquiry?

2 DELEGATE WHITE: Yes, thank you.

3 THE PRESIDENT: Implicit in your question
4 perhaps was the procedure if the majority reports a
5 proposal or a recommendation pertaining to the same
6 subject matter, it would be possible for any delegate,
7 including the sponsor of the proposal adversely reported
8 on, to move an amendment to the committee recommendation
9 and have it brought to the floor in that way.

10 Delegate White, in view of that answer, do you
11 still wish to present your Motion No. 3?

12 DELEGATE WHITE: No, I don't.

13 THE PRESIDENT: You wish to withdraw it?

14 DELEGATE WHITE: Yes.

15 THE PRESIDENT: Motion No. 3 is withdrawn.

16 DELEGATE BENNETT: Mr. Chairman.

17 THE PRESIDENT: Mr. Bennett.

18 DELEGATE BENNETT: Is the motion or request
19 to bring a proposal to the floor which has not been either
20 approved or disapproved by a committee, is that debatable?

21 THE PRESIDENT: I would think so. You mean the

1 motion referred to in Rule 30?

2 DELEGATE BENNETT: Yes, sir.

3 THE PRESIDENT: Yes, I would think it would
4 be debatable and treated as any other motion. Any further
5 inquiry? There was distributed today and you should have
6 on your desk the memorandum listing the names of Convention
7 personnal and their salaries. This is the memorandum
8 that, with a few minor changes to up date it, was made
9 public several weeks ago, when it was given to the
10 Committee on Convention Rules, Budget, and is the one
11 which I referred to last Friday and said would be ready.

12 There is also on your desk a memorandum from
13 me to each delegate enclosing a copy of a letter from
14 the District Director of Internal Revenue with respect to
15 the inclusion for income tax purposes of the expense
16 allowance of delegates. I suggest that you read the letter
17 very carefully. I would like to add that it seems to me
18 that the letter does not fully answer several of the
19 inquiries which some of the delegates had in mind and I
20 have requested the District Director of Internal Revenue
21 for an elaboration. This pertains particularly to the

1 deductibility of the expenses of delegates who are
2 commuting on a daily basis.

3 Are there any announcements by committee
4 chairmen?

5 DELEGATE KOSS: Mr. Chairman.

6 THE PRESIDENT: Delegate Koss.

7 DELEGATE KOSS: The Committee on Suffrage and
8 Elections will reconvene ten minutes after adjournment
9 this afternoon to hear additional testimony on the voting
10 age and continue our deliberation and decisions on
11 referendum. We will meet again tomorrow morning at 10
12 o'clock and we will hear testimony on the inclusion of
13 the right to vote. Thank you.

14 THE PRESIDENT: Any further announcements by
15 committee chairmen?

16 Delegate Morgan.

17 DELEGATE MORGAN: Mr. President, the Committee
18 on The Executive Branch will meet immediately following
19 adjournment of this session to hear the State's Attorney
20 of Prince Georges County.

21 Tomorrow morning we will meet at 9:30 to hear

1 State's Attorneys from various parts of the state, most
2 of the State's Attorneys will be present tomorrow morning.
3 We start at 9:30 tomorrow morning.

4 On Thursday at 10:45 we will hear from former
5 Governor Driscoll of New Jersey.

6 THE PRESIDENT: Any further announcements?
7 Delegate Kiefer.

8 DELEGATE KIEFER: Mr. President, the Committee
9 on Personal Rights and the Preamble has today been cover-
10 ing several proposals dealing with the right to bear arms.
11 A few minutes after this meeting adjourns we will reconvene
12 and continue our hearings and discussion on this subject.

13 THE PRESIDENT: Delegate Mudd.

14 DELEGATE MUDD: Mr. President, the Committee
15 on the Judicial Branch reconvenes today at 3 o'clock, at
16 which time we have a rather important conference. Tomorrow
17 morning we begin our hearings again at 10 o'clock, at
18 which time we have the honor of hearing from Honorable
19 James Clarke, Vice President of the Convention, regarding
20 Delegate Proposal No. 81 and particularly its application
21 to the courts of limited jurisdiction.

1 At 11 o'clock we have the honor of hearing from
2 Governor J. Millard Tawes with reference to appointment
3 and judicial selection.

4 At noon we have scheduled a hearing for
5 Delegate Proposals No. 209, 210, and 307, all proposed by
6 Delegate Finch, who will be invited to appear before our
7 committee at that time. Thank you, sir.

8 THE PRESIDENT: Delegate Sherbow.

9 DELEGATE SHERBOW: Mr. President, the Committee
10 on State Finance and Taxation will hear tomorrow the
11 visitors on the subject of lottery.

12 Thereafter each day we are setting down three,
13 four, five, six, and some days seven and eight proposals.
14 We want to assure all those who have introduced these
15 proposals they will be given all the time they need. But
16 we find by reason of cancellations and other events that
17 occur that the only way we can clean up our docket is to
18 put them in and hope they will come over and discuss these
19 proposals so that we can act on them.

20 THE PRESIDENT: Delegate Moser.

21 DELEGATE MOSER: Mr. President, the Committee

1 on Local Government will reconvene 15 minutes after this
2 session.

3 Tomorrow the Committee on Local Government
4 will meet jointly with the Legislative Branch Committee.
5 That meeting will be held not at our office or theirs, but
6 in the Assembly Room of State Office Building. The witnesses
7 from whom we will jointly hear at that time are Dr. Frank
8 Grad of Columbia University, Dr. Carl Everstine, Bennett
9 Crain, the County Solicitor for Anne Arundel County, Mr.
10 William Marbury, Special Counsel for Baltimore City.

11 The subject matter of that hearing, which will
12 also continue after the Convention session that afternoon,
13 is the shared powers, expressed powers concepts, limita-
14 tions on legislative power, particularly with regard to
15 local legislation, relationships of the General Assembly
16 to counties and cities and other similar matters.

17 THE PRESIDENT: Any other announcements?
18 Delegate Gallagher?

19 DELEGATE GALLAGHER: Mr. President, the Committee
20 on the Legislative Branch will meet ten minutes after
21 this session concludes this afternoon. Tomorrow morning

1 we will meet at 9 a.m. to hear testimony from United
2 States Senator Joseph Tydings. Thereafter we will join
3 with the Committee on Local Government in the joint
4 hearings which Delegate Moser has just announced.

5 We also have an evening session tomorrow night
6 at eight.

7 THE PRESIDENT: Delegate Dulany.

8 DELEGATE DULANY: Mr. President, the Committee
9 on Public Information will have a meeting at 12:30 tomorrow.
10 This will be a luncheon meeting at the Maryland Inn.

11 THE PRESIDENT: Delegate Boyer.

12 DELEGATE BOYER: Mr. President, our Committee
13 on General Provisions last night met until after 10 o'clock
14 hearing from our list of scheduled witnesses. This
15 completes all scheduled testimony on education.

16 This morning we started taking exploration of
17 the sense of the committee on some educational practices
18 before us. We will continue this this afternoon immediately
19 after the session and again tomorrow morning at 10 o'clock.

20 The latter part of the week, for the benefit of
21 the Convention, Thursday and Friday, we have blocked out

1 for hearing on militia problems.

2 Next week following Delegate Sherbow's
3 suggestion, we will be hearing from individual delegates
4 as to their own proposals referred to the General Provisions
5 Committee.

6 Our format is to block out several large
7 categories of a variety of interests. We will invite
8 the individual delegates to speak on their proposals at
9 these individual categories. For the committee's benefit,
10 we will meet immediately after the session and again
11 tomorrow morning at ten.

12 THE PRESIDENT: Delegate Scanlan.

13 DELEGATE SCANLAN: Mr. President, the Committee
14 on Rules will meet tomorrow immediately after the session
15 to have a public hearing on the proposed convention budget.
16 The President will testify and others.

17 Also germane to that hearing will be resolutions
18 No. 13 and 14 introduced by Delegate Malkus.

19 THE PRESIDENT: Further announcements by
20 committee chairmen? Delegate Marion.

21 DELEGATE MARION: Mr. President, I would like

1 to acknowledge this afternoon the presence in the gallery
2 behind the delegates of the members of the Sixth Grade of
3 the Homewood School in Baltimore. They are here today to
4 observe the Convention as an exercise in the popular
5 sovereignty of the State of Maryland. They observed
6 some committee hearings this morning and are here to
7 observe the plenary session this afternoon. They are
8 here today with their principal Mr. Massey and with the
9 teacher of the Sixth Grade, Mrs. Edward Smith, of Baltimore
10 County and several parents of some of the students.

11 THE PRESIDENT: We are delighted to have them
12 here. (Applause.)

13 THE PRESIDENT: Delegate Beachley.

14 DELEGATE BEACHLEY: I would like to also call
15 the attention of the Convention to the fact that there
16 has been today a group of students from the Hagerstown
17 Junior College that are very much interested in the
18 State of Maryland.

19 They were accompanied by their Professor of Government,
20 Mr. Donald G. Taylor.

21 THE PRESIDENT: Delighted to have them also.

1 (Applause.)

2 THE PRESIDENT: Delegate Weidemeyer.

3 DELEGATE WEIDEMEYER: Mr. President, I desire
4 to have my presence recorded.

5 THE PRESIDENT: Any other delegates who desire
6 to have their presence recorded? Delegate Bothe?

7 DELEGATE BOTHE: Mr. President, I am not
8 certain whether my presence was reported. I rushed in
9 and pulled a switch during the roll call but if it was
10 not, I would appreciate it being.

11 THE PRESIDENT: Delegate Mitchell.

12 DELEGATE MITCHELL: I would like the record to
13 show I am present.

14 THE PRESIDENT: Delegate Johnson.

15 DELEGATE JOHNSON: Mr. President, although I
16 believe I overheard one delegate say why bother, I would
17 like to have my presence recorded for the day. Thank you.

18 THE PRESIDENT: Any other delegates present now
19 not present at roll call desire to record their presence?
20 If not, the Chair recognizes Delegate Powers of the
21 Committee on --

1 DELEGATE POWERS: Mr. President, I am happy
2 to announce that one of the delegates, Delegate Shoshana
3 Cardin, is celebrating her birthday. Anyone curious about
4 knowing which birthday may take that up directly with
5 Delegate Cardin. (Applause.)

6 I move adjournment until 2 p.m. tomorrow.

7 THE PRESIDENT: All in favor, signify by
8 saying Aye; contrary, No.

9 (The Constitutional Convention adjourned at
10 2:30 p.m. October 10, 1967.)

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Maryland Room
University of Maryland Library
College Park, Md.

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3 CONSTITUTIONAL CONVENTION
4 OF THE
5 STATE OF MARYLAND
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9 Chamber of the House of Delegates
10 State Capitol
11 Annapolis, Maryland
12 October 11, 1967 - 2:00 p.m.
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17 HONORABLE H. VERNON ENEY,
18 PRESIDENT
19

20 Reported by:
21 W. P. Banister

1 THE PRESIDENT: The Convention will please
2 come to order.

3 The invocation today will be offered by Father
4 Robert A. Bozel, St. Jane Frances Catholic Church, Riviera
5 Beach, Anne Arundel County. Father Bozel.

6 (At this time the invocation was offered by
7 Father Bozel.)

8 THE PRESIDENT: Roll call.

9 (Whereupon a roll call was taken.)

10 THE PRESIDENT: Have all delegates answered
11 the roll call? The Clerk will record the roll call. A
12 quorum being present, the Convention is in session.

13 The Chair recognizes Delegate Powers, Chairman
14 of the Committee on Calendar and Agenda.

15 DELEGATE POWERS: Mr. President, I move adoption
16 of the daily calendar and agenda.

17 THE PRESIDENT: Is there a second?

18 (The motion was duly seconded.)

19 THE PRESIDENT: Discussion? All in favor
20 signify by saying Aye; contrary, No. The calendar is
21 adopted.

1 We have several very distinguished visitors
2 with us today. I would like to recognize on the floor of
3 the Convention of the presence of the Honorable Perry O.
4 Wilkinson, former Speaker of the House of Delegates of
5 Maryland. (Applause.)

6 Mr. Wilkinson said this morning he enjoys very
7 much being here and not having any duties to perform.

8 It also gives me very great pleasure to recognize
9 as a distinguished guest in the gallery this afternoon the
10 Honorable Mrs. Shulamit Aloni, member of the Israeli
11 Parliament. Mrs. Aloni is in the gallery. (Applause.)

12 I might add that Mrs. Aloni is particularly
13 interested in the proceedings of this Convention. She
14 will be in this country for some weeks, has been here about
15 ten days. Her own country is considering plans for the
16 preparation of a constitution which they do not now have.

17 Reports of standing committees. Report of the
18 Committee on Rules, Credentials and Convention Budget.
19 Committee Report No. R&C-9. The Clerk will read the
20 report.

21 MR. QUILLEN: Reporter No. RNC 9 by the Committee

1 on Rules, Credentials and Convention Budget. A report
2 regarding Resolution No. --

3 THE CHAIRMAN: The Chair recognizes Delegate
4 Scanlan.

5 DELEGATE SCANLAN: I move the Clerk suspend
6 further reading of the R&C-9. Report of the Committee on
7 Rules and that it be considered as read.

8 THE PRESIDENT: Is there any discussion? All
9 in favor, signify by saying Aye; contrary, No. The Ayes
10 have it. So ordered. The report is referred to the
11 Committee on Calendar and Agenda.

12 DELEGATE SCANLAN: Mr. President.

13 THE PRESIDENT: Delegate Scanlan.

14 DELEGATE SCANLAN: On this report the sponsors
15 of Resolution No. 8 and Resolution No. 9 have advised the
16 Chairman of the Rules Committee that they are not pressing
17 those resolutions and are withdrawing them. Therefore,
18 when the report is to be considered by the Convention, the
19 report should be construed to refer only to a favorable
20 reporting of Resolution No. 9.

21 THE PRESIDENT: Thank you. Introduction and

1 first reading of proposals. There are fourteen proposals
2 today, Numbers 342 to 355. You have on your desk or should
3 have a memorandum by Delegate Finch accompanying Proposal
4 No. 209, circulated sometime ago. Delegate Proposal
5 No. 342. The Clerk will read the proposal.

6 MR. QUILLEN: Delegate Proposal No. 342, by
7 Delegate Gallagher. A proposal that Section 3.02 of
8 Article III of the new Constitution, dealing with the
9 Legislative Branch, provide for legislative districts
10 that are "substantially equal" rather than "nearly equal
11 as practicable," to read as follows:

12 THE PRESIDENT: Delegate Proposal No. 342 is
13 referred to the Committee on the Legislative Branch.

14 Delegate Proposal No. 343. The Clerk will read
15 the proposal.

16 MR. QUILLEN: Delegate Proposal No. 343, by
17 Delegate Gallagher. A proposal that Section 3.05 of
18 Article III of the new Constitution, dealing with the
19 Legislative Branch, provide for a bi-partisan reapportionment
20 commission, to read as follows:

21 THE PRESIDENT: Delegate Proposal No. 343 is
referred to the Committee on The Legislative Branch.

1 Delegate Proposal No. 344. The Clerk will
2 read the proposal.

3 MR. QUILLEN: Delegate Proposal No. 344, by
4 Delegate Gallagher. A proposal that Section 3.03 of
5 Article III of the new Constitution, dealing with the
6 Legislative Branch, provide for legislative origination
7 of re-apportionment plans, to read as follows:

8 THE PRESIDENT: Delegate Proposal No. 344 is
9 referred to the Committee on the Legislative Branch.

10 Delegate Proposal No. 345. The Clerk will
11 read the proposal.

12 MR. QUILLEN: Delegate Proposal No. 345, by
13 Delegate Weidemeyer. A proposal that the Bill of Rights
14 of the Constitution contain a provision concerning the
15 separation of powers exercisable by the government that
16 would read as follows:

17 THE PRESIDENT: Delegate Proposal No. 345 is
18 referred to the Committee on General Provisions.

19 Delegate Proposal No. 346. The Clerk will read
20 the proposal.

21 MR. QUILLEN: Delegate Proposal No. 346, by

1 Delegate Beatrice Miller. A proposal that candidates
2 for the General Assembly shall make a full disclosure of
3 their business and professional interests and associations.

4 THE PRESIDENT: Delegate Proposal No. 346 is
5 referred to the Committee on Suffrage and Elections.

6 Delegate Proposal No. 347. The Clerk will read
7 the proposal.

8 MR. QUILLEN: Delegate Proposal No. 347, by
9 Beatrice Miller. A proposal that Section 3.05 of Article
10 III of the Constitution, dealing with the Legislative
11 Branch, shall read as follows:

12 THE PRESIDENT: Delegate Proposal No. 347 is
13 referred to the Committee on the Legislative Branch.

14 Delegate Proposal No. 348. The Clerk will
15 read the proposal.

16 MR. QUILLEN: Delegate Proposal No. 348, by
17 Delegate Beatrice Miller. A proposal that Section 2.09 of
18 Article II of the Constitution, dealing with Suffrage and
19 Elections, shall read as follows.

20 THE PRESIDENT: Delegate Proposal No. 348 is
21 referred to the Committee on Suffrage and Elections.

1 Delegate Proposal No. 349. The Clerk will read
2 the proposal.

3 MR. QUILLEN: Delegate Proposal No. 349, by
4 Delegates Bothe, Burgess, Dukes and Bamberger. A proposal
5 that the Declaration of Rights provide for the release
6 upon surety of an accused awaiting trial, and matters
7 generally relating thereto, to read as follows:

8 THE PRESIDENT: Delegate Proposal No. 349 is
9 referred to the Committee on Personal Rights and the
10 Preamble.

11 Delegate Proposal No. 350. I call your
12 attention to a memorandum accompanying Delegate Proposal
13 No. 349, which you should have on your desk.

14 MR. QUILLEN: Delegate Proposal No. 350, by
15 Delegates Marion, Schloeder, Singer, Sollins, and Fox.
16 A proposal that the members of the General Assembly shall
17 receive an annual salary and such allowances as may be
18 prescribed by law, but such annual salary shall not be
19 less than one-third nor more than one-half of the annual
20 salary of the Governor.

21 THE PRESIDENT: Delegate Proposal No. 350 is

1 referred to the Committee on the Legislative Branch.

2 Delegate Proposal No. 351. The Clerk will read
3 the proposal.

4 MR. QUILLEN: Delegate Proposal No. 351, by
5 Delegates Beatrice Miller and Sollins. A proposal that
6 the Constitution shall not prohibit the General Assembly
7 from amending the budget bill submitted by the Governor in
8 any manner.

9 THE PRESIDENT: Delegate Proposal No. 351
10 is referred to the Committee on State Finance and Taxation.

11 Delegate Proposal No. 352. The Clerk will
12 read the proposal.

13 MR. QUILLEN: Delegate Proposal No. 352, by
14 Delegate Hanson. A proposal to include in the Constitution
15 a provision in the Article on Local Government establishing
16 a Commission on Intergovernmental Relations, such provision
17 to read as follows:

18 THE PRESIDENT: Delegate Proposal No. 352 is
19 referred to the Committee on Local Government. There is
20 memorandum by Delegate Hanson accompanying Delegate Proposal
21 No. 352.

1 Delegate Proposal No. 353. The Clerk will read
2 the proposal.

3 MR. QUILLEN: Delegate Proposal No. 353, by
4 Delegate Harris. A proposal that there shall be an Attorney
5 for the State in each county, and the City of Baltimore,
6 to be styled "The State's Attorney", who shall be elected
7 by the voters on a nonpartisan basis for a term of six
8 years.

9 THE PRESIDENT: Delegate Proposal No. 353 is
10 referred to the Committee on The Executive Branch.

11 Delegate Proposal No. 354. The Clerk will read
12 the proposal.

13 MR. QUILLEN: Delegate Proposal No. 354, by
14 Delegate Johnson. A proposal that the Judicial Article
15 of the Constitution include sections and provisions
16 to read as follows:

17 THE PRESIDENT: Delegate Proposal No. 354
18 is referred to the Committee on the Judicial Branch.

19 Delegate Proposal No. 355. The Clerk will read
20 the proposal.

21 MR. QUILLEN: Delegate Proposal No. 355, by

1 Delegates Sybert, Armor, Carson, Cicone, Fornos, Harris,
2 Pullen, Kathleen Robie, Rollins, Stern, Vecera, Willis,
3 and Wheatley. A proposal that the Constitution shall
4 provide for a Comptroller of the Treasury, eligibility
5 qualifications for election and matters generally relating
6 thereto, to read as follows:

7 THE PRESIDENT: Delegate Proposal No. 355 is
8 referred to the Committee on the Executive Branch. There
9 is a memorandum accompanying Delegate Proposal No. 355.

10 Next item is motions and resolutions. Resolution
11 No. 15. The Clerk will read the resolution.

12 MR. QUILLEN: Resolution No. 15, by Delegate
13 Beatrice Miller.

14 A resolution suggesting that each committee
15 give consideration to the merits of substantive issues before
16 it.

17 THE PRESIDENT: The Chair recognizes Delegate
18 Scanlan.

19 DELEGATE SCANLAN: I move that further reading
20 of Resolution No. 15 be dispensed with and the resolution
21 be considered as having been read.

1 THE PRESIDENT: Is there a second?

2 (The motion was duly seconded.)

3 THE PRESIDENT: Moved and seconded that so much
4 be considered as reading the entire resolution. All
5 those in favor, signify by saying Aye; contrary, No.
6 So ordered.

7 A memorandum accompanies Resolution No. 15.
8 Are there any other motions or resolutions? Resolution
9 No. 15 is referred to the Committee on Rules, Credentials
10 and Convention Budget.

11 Each of you should have on your desk the
12 Secretary's memorandums numbers 18 and 19, which I call
13 to your attention just to be sure you have it.

14 The only other announcement I have to make is
15 the obvious one but on behalf of all of us I welcome
16 back Delegate Hanson who actually returned to the fold
17 yesterday but I didn't have the opportunity to welcome
18 him. I don't know whether he is in position to make
19 an announcement as to the incubation period or not.

20 DELEGATE HANSON: Mr. President, I am assured
21 by my physician that the incubation period has passed.

1 I want to thank you and to thank the other delegates for
2 the solicitude shown me during my illness. I understand
3 that there are sixty-seven members of this Convention who
4 have not had the mumps. I come by this information from
5 a letter sent to me by my committee chairman, Mr. Gallagher,
6 which mentioned there had been a vote here urging my
7 complete convalescence or complete cure which had passed
8 by a vote of seventy to sixty-seven.

9 I want to also thank the individual members
10 who expressed concern for me and particularly to thank
11 the anonymous delegates who sent me a crock of sauerkraut.

12 THE PRESIDENT: Any announcements by committee
13 chairmen? Delegate Morgan.

14 DELEGATE MORGAN: Mr. President, the Committee
15 on The Executive Branch will not meet this afternoon.
16 Tomorrow morning at 10:45 we will have as a witness
17 former Governor Driscoll of New Jersey. Governor Driscoll
18 is also President of the National Municipal League.

19 After we have concluded with Governor Driscoll,
20 we expect to start the decision stage of our undertaking.
21 I hope that will be starting tomorrow afternoon.

1 I hope that will be starting tomorrow afternoon.

2 THE PRESIDENT: Delegate Mudd.

3 DELEGATE MUDD: Mr. President, the Committee
4 on Judicial Branch will meet again at 3 o'clock immediately
5 following the conclusion of this session at which time we
6 will consider Delegate Proposal No. 262, introduced by
7 Delegate Carson and having to do with the office of sheriff.
8 We will also pursue that subject further this afternoon
9 by at the same time considering Delegate Proposal No. 262
10 and 290. Tomorrow morning we resume hearing witnesses and
11 have the privilege of hearing from Vice President James
12 at 10 a.m., Executive Director Karlen of the Institute
13 of Judicial Administration at 10:30, Honorable Perry Bowen
14 of the Prince Frederick Circuit Court at 11:30.

15 At this time, Mr. President, I would like to
16 remind the delegates that the Convention's Committee on
17 Judicial Branch is making a final effort to have the
18 benefit of the views of all witnesses who might like to
19 appear before this Committee at a public hearing to be
20 held next Monday evening at 7:30 in the Shaw House. We
21 are advertising this meeting in the newspapers and via

1 radio but I take this opportunity to invite any delegates
2 who might wish to appear before the Committee on the
3 Judicial Branch who have not yet been extended an invita-
4 tion or who have not communicated his or her desire to
5 us, and if the delegates have constituents who wish to be
6 heard before the Committee on Judicial Branch, we welcome
7 them at the public meeting next Monday night at the Shaw
8 House at 7:30 p.m. Thank you.

9 THE PRESIDENT: Any further announcements?
10 Delegate Koss?

11 DELEGATE KOSS: Mr. President, the Committee
12 on Suffrage and Elections will reconvene at 2:45 this
13 afternoon and again tomorrow morning at 10:00.

14 I would like to remind all the delegates who
15 have introduced proposals referred to our committee that
16 you have each received an invitation to contact us if you
17 would like to appear on your proposal. The time is rapidly
18 running out and we will be lenient in terms of scheduling.
19 I would urge all of you to please get in touch with us as
20 soon as possible if you do in fact want to meet with the
21 committee.

1 THE PRESIDENT: Delegate Gallagher.

2 DELEGATE GALLAGHER: Mr. President, and ladies
3 and gentlemen, the Committee on the Legislative Branch
4 will be somewhat separated this afternoon. I have asked
5 Mrs. Miller, Mr. Hanson, Mr. Bamberger, Mr. Peters, and Mr.
6 Bard to return to the joint hearing in the Assembly Room
7 of the State Office Building to continue with the Local
8 Government panel. I would ask the rest of the Committee
9 other than those mentioned to return to our regular
10 committee room, H-8, at 3 o'clock, where we are going to
11 hear from a representative of the League of Women Voters.

12 We will meet tonight at 7:30 and beginning
13 tomorrow the day sessions will be devoted to hearing some
14 of the more veteran legislative representatives who
15 appeared before the General Assembly in various guises
16 and various years as lobbyists. We also have a hearing
17 tomorrow night at 7:30.

18 Finally I would mention we are so arranging our
19 schedule next week that every member of the Committee will
20 be able to go on the boat ride if he so desires.

21 THE PRESIDENT: Any further announcements?

1 Delegate Penniman.

2 DELEGATE PENNIMAN: I would like to announce
3 there will be a meeting of the Committee on Style at
4 5 o'clock at which time we hope to have Mr. Grad, who
5 has been testifying today before the Local Government
6 and Legislative Committee and we will have certainly John
7 Brooks who will meet with us then at 5 o'clock.

8 THE PRESIDENT: Any further announcements?
9 Delegate Moser?

10 DELEGATE MOSER: Mr. President, I am not sure
11 that Mr. Grad has been advised yet that he is meeting with
12 Delegate Penniman's Committee but I believe he will be
13 there and possibly will be available at 4:30 if this
14 earlier time might be helpful. The Local Government
15 Committee will continue along with members of the Legislative
16 Branch Committee in the State Office Building Assembly
17 Room this afternoon at 3 o'clock. The witnesses, Mr.
18 Grad, Dr. Everstine, Mr. Crain, Mr. Marbury.

19 The schedule of the committee for tomorrow is
20 as follows. From 9 to 10:30 a.m. we have scheduled
21 hearings on Delegate Proposal 113, 126, 181, 226, and 311.

1 many of which are duplicates, all dealing generally with
2 the application of referenda in the field of Local Govern-
3 ment.

4 From 10:30 to noontime we have scheduled
5 hearings on Delegate Proposals 107, 220, and 310, relating
6 to municipal corporations.

7 A special order of business before the Committee
8 at 9 a.m. tomorrow will be action on Delegate Proposal No.
9 50, hearing upon which was held earlier this week.

10 After the general session tomorrow, at 3
11 o'clock, we will hear from Dr. Frank Burdette with respect
12 to the general law residual powers problems we are also
13 investigating today.

14 THE PRESIDENT: Delegate Sherbow.

15 DELEGATE SHERBOW: Committee on State Finance
16 and Taxation will meet immediately after this session.
17 we will reconvene tomorrow at 10 o'clock to take up that
18 aspect of the proposals dealing with mandatory provision
19 for the school budgets. Those who are interested,
20 including the public, are urged to attend. We have
21 invited certain officials from the schools to be there.

1 Everybody else who is interested, including
2 the delegates are welcome to appear also.

3 THE PRESIDENT: Delegate Kiefer.

4 DELEGATE KIEFER: Mr. President, the Committee
5 on Personal Rights and the Preamble concluded this morning
6 its general hearings on due process and equal protection,
7 a very successful appearance of Mr. Joseph Raub of Washington,
8 D.C. There will be a few other odds and ends to clear up
9 in connection with this subject but starting this afternoon
10 at 3 o'clock the committee will begin to hear people on
11 wire tapping, rights of privacy, et cetera. We have a
12 special person coming from Washington, Mr. Brian Gettings,
13 at 3 o'clock. However, I would ask the Committee members
14 to assemble as quickly as possible after this meeting
15 because Mr. Charles Moylan, Assistant Attorney of Baltimore
16 City, is here and would like to talk to the Committee
17 about certain aspects of wire tapping.

18 Tomorrow morning the committee begins hearings
19 on the subjects of freedom of expression and the right to
20 know. These hearings will start promptly at 9:30 tomorrow
21 morning because of the large number of witnesses, many

1 of whom are from out of town; in order to accommodate
2 them, this hearing will start 9:30 tomorrow morning.

3 THE PRESIDENT: Delegate Boyer.

4 DELEGATE BOYER: Mr. President, your Committee
5 on General Provisions has for the last several days been
6 discussing in committee session aspects of education. We
7 will meet again this afternoon immediately after this
8 Convention adjourns so that we can continue our delibera-
9 tions in this field.

10 Tomorrow morning and Friday we will start
11 deliberations on a new subject, that of militia.
12 During this two-day interim we will be hearing from
13 General Gelston, General Ogeltree and General Reckord.
14 We will also be hearing from State Police, Mr. Robert
15 Lally, representative from the Governor's office, and
16 probably Attorney General Burch.

17 Next week we will be like the Committee on
18 Suffrage and Elections, extending invitations to each of
19 the individual delegates to appear before us as the proponent
20 of the proposals they have submitted and referred to our
21 committee. This is just a general broad outline of where

1 we are and where we are going. Thank you.

2 THE PRESIDENT: Any other announcements?
3 Delegate Scanlan.

4 DELEGATE SCANLAN: Mr. President, the Committee
5 on Rules, Credentials and Convention Budget will meet at
6 3 o'clock this afternoon.

7 THE PRESIDENT: 3 or 3:30?

8 DELEGATE SCANLAN: 3, or if it is inconvenient
9 for you, we can wait to 3:30.

10 THE PRESIDENT: You are waiting for the
11 budget analyst.

12 DELEGATE SCANLAN: The Committee will meet at
13 3:30 to consider the convention budget and take up
14 Resolution No. 13, the meeting place will be in the
15 Baltimore City Delegation Room in the basement of the
16 Shaw House.

17 THE PRESIDENT: Delegate Penniman.

18 DELEGATE PENNIMAN: In view of the announcement
19 of Mr. Moser about the possibility of availability of Mr.
20 Grad earlier than 5 o'clock, I would ask that the Committee
21 on Style meet at 4:30 in its regular meeting room. Thank

1 you.

2 THE PRESIDENT: My attention has been called
3 to an error in printing in that the second page of Delegate
4 Proposal No. 352 on the printed copy is not printed on
5 the reverse of page one but instead was printed on the
6 reverse of page one of the memorandum accompanying
7 Delegate Proposal No. 352. If you will leave them in your
8 books, the pages will substitute corrected copies before
9 the session tomorrow.

10 Are there any further announcements? If not,
11 the Chair recognizes Delegate Powers.

12 Before that, any delegates present now who
13 were not present at roll call desire to record their
14 presence?

15 The Chair recognizes Delegate Powers.

16 DELEGATE POWERS: Mr. President, I move we
17 adjourn until 2 p.m. tomorrow.

18 THE PRESIDENT: All in favor, signify by saying
19 Aye; contrary, No. The Ayes have it.

20 (The Constitutional Convention adjourned at 2:30
21 to reconvene at 2 p.m. October 12, 1967.)

Marland Room
University of Maryland Library
College Park, Md.

Maryland Library
University of Maryland Library
College Park, Md.

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2
3 CONSTITUTIONAL CONVENTION
4 OF THE
5 STATE OF MARYLAND
6
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9
10 Chamber of the House of Delegates
11 State Capitol
12 Annapolis, Maryland
13 October 12, 1967 - 2 p.m.
14

15 -----
16
17 HONORABLE H. VERNON ENEY,
18 PRESIDENT
19

20 Reported by:
21 W. P. Banister

1 THE PRESIDENT: The Convention will please come
2 to order.

3 It is a rare privilege today to tell you that
4 the invocation will be offered by the Reverend John A.
5 Grant of St. Andrews Episcopal Church in Pasadena. Reverend
6 Grant is a brother of Delegate Grant from Garrett County.
7 Reverend Grant.

8 ((Whereupon the invocation was offered by the
9 Reverend Grant.))

10 THE PRESIDENT: Roll call.

11 ((Whereupon the roll call was taken.))

12 THE PRESIDENT: Have all delegates indicated
13 their presence? The Clerk will record the roll call.
14 A quorum being present, the Convention is now in session.
15 The Chair recognizes Delegate Powers, Chairman of the
16 Committee on Calendar and Agenda.

17 DELEGATE POWERS: Mr. President, I move
18 adoption of the daily calendar and agenda.

19 (The motion was duly seconded.)

20 THE PRESIDENT: Delegate Scanlan.

21 DELEGATE SCANLAN: Mr. President, I informed

1 the Convention yesterday that the sponsor of Resolution
2 No. 11 had withdrawn it and that therefore our Ninth
3 Report would be confined only to the favorable recommenda-
4 tions of Resolution 9 since Resolution 8 has also been
5 withdrawn.

6 I have just spoken to the sponsor of Resolution
7 No. 11 and he wishes a vote on his resolution. Therefore,
8 I move that we amend today's calendar by including as
9 an item of business the Committee's unfavorable report
10 with respect to Resolution 11.

11 THE PRESIDENT: Is there a second to the motion?

12 (The motion was duly seconded.)

13 THE PRESIDENT: Any discussion? All in favor
14 of the amendment, signify by saying Aye; contrary, No.
15 The Ayes have it. All in favor of approving the calendar
16 as amended, signify by saying Aye; contrary, No. The
17 Ayes have it. Calendar as amended is approved.

18 Before we come to the next item of business on
19 the calendar, or I should say item of pleasure, I would
20 like to take this opportunity to inform the Convention
21 that this is a red letter day for a delegate to the

1 Convention and for at least three members of the staff
2 of the Convention because today is the day when the
3 results of the Bar Examination, which concluded on July 11,
4 were announced.

5 It gives me great pleasure to advise you that
6 Delegate Melvin L. Schneider, at the ripe age of twenty-one
7 years, has just received word five minutes ago that he
8 passed the Bar Examination. (Applause.)

9 Delegate Weidemeyer.

10 DELEGATE WEIDEMEYER: Mr. President, members
11 of the Convention, I think congratulations are in order
12 for Atlee Wampler on our staff and our good Sergeant at
13 Arms, Richard Rothenburg.

14 THE PRESIDENT: Correct, and also a third member
15 of the staff, Thomas McCarty, who is one of the draftsmen
16 in the Chief Clerk's office helping you draft proposals.
17 Three members of the staff -- Sergeant At Arms, Richard
18 Rothenburg, Atlee Wampler, Administrative Assistant to
19 the Committee on Personal Rights, and Thomas McCarty,
20 Draftsman in the Clerk's office -- have also passed the
21 Bar Examination.

1 We are very fortunate today in having with us
2 the Honorable Alfred E. Driscoll, former Governor of the
3 State of New Jersey, who served two terms from 1947 to 1954.
4 Governor Driscoll very kindly consented to come down to the
5 Convention today where he appeared before the Committee on
6 The Executive Branch and testified at length, at such
7 length because of the questions asked him, that he had to
8 cut short his lunch hour in order to be here for the 2
9 o'clock session of the Convention.

10 We are particularly pleased to hear from
11 Governor Driscoll because he was Governor of New Jersey
12 prior to and during the Constitutional Convention of New
13 Jersey held in 1947, following which New Jersey's new
14 Constitution was overwhelmingly adopted by the voters of
15 that state in November, 1947. I present to you Governor
16 Alfred E. Driscoll of New Jersey. (Standing ovation.)

17 GOVERNOR DRISCOLL: Mr. President, ladies and
18 gentlemen of the Convention, you are engaged on a historic
19 assignment. You are engaged in the task of Constitution-
20 making at a time when the world is beset with doubts, mis-
21 understandings, preoccupied with the clash of apparently

1 conflicting opinions.

2 Nonetheless, the future of our Federal system
3 is largely dependent upon the virility of component
4 parts, namely, the 50 States. It may be said of you that
5 you have, when your work is concluded, deserved the favorable
6 opinion of your fellow citizens. Based upon my own
7 experience in 1947, when our Convention began in June, in
8 no small measure was the success of the Convention due to
9 the fact that citizens of great importance and great
10 dignity and great integrity hammered out a Constitution
11 that their fellow citizens recognized was not one of
12 compromise but one based upon their beliefs, their convictions.
13

14 It is easy sometimes to weaken in the presence
15 of pressure. There will be pressures, I am sure. But
16 the path that follows that of conviction and integrity
17 is the path that leads to success. It is hardly necessary
18 to emphasize the far-reaching importance of the work you
19 have undertaken.

20 The American people, foremost among the world's
21 populations in their veneration of a written Constitution,

1 look upon a constituent assembly chosen for the specific
2 purpose of making a Constitution as an expression of basic
3 sovereignty.

4 The making of a modern Constitution is a
5 difficult process, the more so when we seek agreement upon
6 the complex issues of modern society in a popularly
7 elected assembly such as yours.

8 The course of your work will undoubtedly be
9 trying. It will test your capacity for statesmanship.
10 It is part of our tradition, however, and a valuable
11 tradition it is, that when we revert to fundamentals in
12 government, we look to the highest form of representative
13 democracy as well as the ultimate consent of the governed,
14 expressed through the process of free elections.

15 I am sure that your fellow citizens expect a
16 great work from you. While your state has lived under
17 its present Constitution, I am told, for a considerable
18 period of time, I know from my own experience they are not
19 looking for something better, not changed for the purpose
20 of change alone, but changed for the purpose of bringing
21 your fundamental doctrine in line with modern society

1 and capable of permitting your representatives, be they
2 in the Judiciary, the Executive Branch of the government,
3 to better cope with those issues.

4 It is your task to appraise the forces that
5 are for and against this and that issue. It is your
6 task as I see it to develop a Constitution that may very
7 well exist for another hundred years, even though I would
8 recommend that provision be made for the calling of a
9 Constitutional Convention periodically at regular intervals,
10 so that an audit may be made of your basic document. This
11 provision might very well include calling of such a
12 Convention by the Legislature and in the absence of the
13 Legislature calling the Convention, then having the
14 Governor call it.

15 I would hope that you would strive for a simple
16 Constitution, one that more nearly follows the line of
17 the Constitution adopted by that great Convention in
18 Philadelphia so many years ago. It should be flexible.
19 It should in my judgment strengthen each branch of the
20 government.

21 In the course of your debates, you will on many

1 occasions be tempted to adopt legislation. You will be
2 wise to guard against this natural temptation by the
3 judicious and conscientious exercise of that statesmanship
4 to which I have referred. You will need will power.

5 The State Constitution is an organic document,
6 a basis for government. It should not be a series of
7 legislative enactments.

8 If you put too much legislation into the
9 Constitution, the end result will be frustration. When
10 legislation is permitted to be put into a Constitution, it
11 frequently shackles one branch of the government or
12 another branch of the government.

13 To quote one authority, the more precise and
14 elaborate the provisions of the Constitution, the greater
15 are the obstacles to the reform of abuses. Litigation
16 thrives on constitutional verbosity.

17 There is a way out of the dilemma. I suspect
18 from what I have heard today here in Annapolis that you
19 have already wisely chosen that way. That is, when in
20 your judgment a proposal is legislative in character,
21 that there be a presentment to the Governor with the

1 understanding the Governor in turn will submit the
2 proposals contained in the presentment to the Legislature
3 for their consideration. It has worked well for us in
4 New Jersey and we had a number of presentments. The
5 result was we came out with one of the shortest
6 Constitutions of all the Constitutions in the country,
7 approximately 10,000 words.

8 I would like to touch on the three branches of
9 government briefly and I am certainly not, I hope you will
10 understand this, not presuming to pose as an authority,
11 although the task of Constitution-making is near and dear
12 to my heart, not only as a former Governor, but as
13 President of the National Municipal League, which has been
14 developing model Constitutions over the years.

15 The Legislative Branch of the Government.
16 Appropriate terms should be established for the Legislative
17 branch of the government so they are not running all the
18 time. We have the unenviable record of having our House of
19 Assembly, our lower House, running every year. So that
20 you can imagine where their minds were when the Governor
21 was trying to get a program through. They were wondering

1 not whether the program was a good program, but now the
2 people back home would think about the program and would
3 they have an opportunity to educate the people to the
4 point where they would support it? We lengthened the
5 term of our House of Assembly and we lengthened the term
6 of our Senators. We also lengthened the term of the
7 Governor.

8 While I am talking about elections, I might say
9 that we decided that we would not have the Governor elected
10 in a year in which a President was to be selected, because
11 in a Presidential year the issues are likely to be largely
12 Federal in character and state issues become submerged
13 and are not given the thoughtful attention which they
14 frequently deserve.

15 We were of the opinion that this would be a good
16 idea and it was such a good idea that a person other than
17 my own party succeeded me because he didn't have to run
18 when Eisenhower ran.

19 The duty confronting you today is not unlike
20 that confronting the authors of the Declaration of
21 Independence as explained by Thomas Jefferson in a letter

1 to Henry Lee. The important task, Jefferson wrote, was
2 not to find out new principles or new arguments never
3 before thought of, not merely to say things which had
4 never been said before, but to place before mankind the
5 common sense of the subject in terms so plain and firm
6 as to command their consent.

7 So while you strengthen the Legislative branch
8 by giving it appropriate terms, so also it seems to me
9 that as a believer in a strong Governor, that you should
10 strengthen the position of the Governor.

11 There is one particular proposition that I
12 touched upon when I appeared before the Committee this
13 morning that I would like to touch upon again. We had
14 not only the traditional checks and balances, but we had
15 checks and balances within the Executive Branch of our
16 government under the old Constitution. This gave the
17 Governor a good alibi. He could say, well, I didn't appoint
18 him and I am not responsible for him. He was either elected
19 by the people or he was elected by a joint session of the
20 Legislature.

21 It seems to me a Governor has a right or should

1 have a right to appoint the heads of the various departments
2 with perhaps certain rare exceptions where it may be
3 desirable for the Governor to appoint a board and have
4 the board appoint the head of the department if it is
5 a professional department, that appointee being subject
6 to the approval of the Governor.

7 Although in New Jersey the Governor appointed
8 the Commissioner of Education, it should certainly be a
9 nonpolitical appointment. I was happy that the man I
10 appointed Commissioner of Education was reappointed by
11 two of my successors.

12 We have in our Constitution a conditional veto.
13 This has been of tremendous help both to the legislature
14 and to the Governor. Because frequently the purpose of
15 a bill is a good one. Due to faulty draftsmanship, the
16 Governor in the absence of a conditional veto must either
17 veto it outright because it is faulty in part or with
18 tongue in cheek approve it hoping that in due course the
19 Legislature will amend it.

20 We also have a provision which I commend to
21 you for your consideration. The Legislature comes back

1 automatically after forty-five days after adjourning
2 sine die to consider veto messages. To the extent it
3 was humanly possible for us to do so on the basis of the
4 then available knowledge, we eliminated the vest pocket
5 veto, and the Governor had to accept up to every issue
6 and say yes, I am going to sign the bill or no, I am not
7 going to sign the bill and this is the reason I am not
8 going to sign the bill or I am sending the bill back with
9 a conditional veto and if you will incorporate the following,
10 spelled out in the veto message, I will probably sign it.

11 In New Jersey our greatest problem was the
12 problem of the judiciary. We had every known court that
13 you could think of. We were one of the last states to
14 give up the Court of Chancery that we had inherited from
15 our mother country. It can be said justice delayed is
16 justice denied and in New Jersey it was possible to delay
17 justice for a very long time while appeals were taken from
18 one court to another.

19 We had the Court of Errors and Appeals which
20 was higher than the Supreme Court for which provision was
21 made for lay judges on the Court of Errors and Appeals, this

1 being the Court of Last Resort, sometimes referred to as
2 the Court of Errors and no appeals. This was a check,
3 you see, within the judicial system, these laymen were
4 going to see to it that the lawyers did justice even
5 though they might not know very much law.

6 We had a system whereby these lay judges could
7 practice law even while sitting on the top court. We had
8 one instance in my early days where a judge, lay judge,
9 wrote an opinion, he being a lawyer, and then appeared
10 before a common pleas judge down at the bottom of the
11 ladder and cited his own decision as being conclusive
12 evidence of the fact the case should be decided in favor
13 of his client. Needless to say that went out the
14 window.

15 Many of the courts that we had were discontinued,
16 including justice of the peace. I might add we had thousands
17 of justices of the peace and there were people who said,
18 if you meddle with the justice of the peace, you are
19 going to have a tremendous following against the
20 Constitution. Well, it didn't work out that way. It didn't
21 work out that way because the citizens of New Jersey back

1 in 1947 were convinced that these delegates that had
2 worked through one long, hot summer ever had studied the
3 whole proposition thoroughly and had the courage of their
4 convictions and that they must be right or they wouldn't
5 have made the proposals.

6 One change we did not make that I think we
7 should have made, we continued county courts even though
8 the Chief Justice, through his Administrative Assistant,
9 had authority to confer upon the county courts the
10 jurisdiction of superior courts and to have them hear cases
11 in counties other than their own, where the docket was
12 overcrowded. In retrospect I think it would have been
13 better had we simply had district courts for minor municipi-
14 pal matters and one superior court system with a Supreme
15 Court and let it go at that.

16 Well, I am sure you have your mind on the
17 ball game and I have talked longer than I was told I
18 should talk.

19 I might add I received the invitation to
20 address this august body about 3 o'clock yesterday afternoon
21 when I was in the middle of a lot of busy appointments.

1 I am sure it can be said of you that you will so conduct
2 yourselves that it will be said of your work, as James
3 Madison said of the work of the Convention in Philadelphia
4 in 1787, whatever may be the judgment pronounced on the
5 competency of the architects of the Constitution, or whatever
6 may be the destiny of the edifice prepared by them, I feel
7 it a duty to express my profound and solemn conviction
8 derived from my intimate opportunity of observing and
9 appreciating the views of the Convention collectively and
10 individually there never was an assembly of men charged
11 with a greater and more arduous trust who were more pure
12 in their motives or more exclusively or more anxiously
13 devoted to the object committed to them to best secure
14 permanent liberty and the happiness of their country.

15 The rights you exercise were won in 1776 and
16 have been protected in memorable struggles through the
17 years. The fight for liberty, however, must be won anew
18 each day and the contest for good government waged during
19 the days of peace is no less important than the battle
20 waged in the heat of armed conflict.

21 In a way, I envy you. I wish I could join you.

1 Yours is a great opportunity, a great challenge. I know
2 that the product of your work will be respected by all.
3 Thank you very much. (Standing ovation.)

4 THE PRESIDENT: Thank you very much, Governor
5 Driscoll. I know I speak the sentiments of all when I say
6 that all of us wish we could speak so eloquently and so
7 forcibly on such short notice.

8 I would like to acknowledge the presence in the
9 gallery this afternoon of several groups. The Convention
10 today is being visited by a group of a dozen or more
11 editors of newspapers throughout the state, they have been
12 attending the various committee sessions, they are present
13 at this session. I would like all of them to join the
14 officers of the Convention and Governor Driscoll in the
15 lounge immediately following the session for a brief
16 chat.

17 I also want to acknowledge the presence in the
18 gallery of seventy-five members of the Fifth Grade of
19 the Maryland Club of Ocean City Elementary School. In
20 addition there are twenty adults, including two teachers
21 with them, Mrs. Eby and Mrs. Downs.

1 The next item on the calendar is the considera-
2 tion of the Committee on Rules, Credentials and Convention
3 Budget. This report, as you understand, includes a favorable
4 report on Resolution No. 9 and consideration of the
5 unfavorable report on Resolution No. 11.

6 The Chair recognizes Delegate Scanlan, Chairman
7 of the Committee. Will you come forward, please.

8 DELEGATE SCANLAN: Mr. President, Governor
9 Driscoll, fellow delegates, I have the honor to present
10 the 9th Report of the Committee on Rules, Credentials
11 and Convention Budget. As indicated, the report deals
12 with two resolutions, originally three, but Resolution 8
13 has been withdrawn by its sponsor and he has indicated
14 to the committee that he is in agreement with the
15 committee's favorable recommendation with respect to
16 Resolution No. 9.

17 The other half of the report recommends an
18 unfavorable report with respect to Resolution No. 11.

19 The problem arises from the fact that under
20 Rule 27 as it now stands each delegate who has submitted
21 a proposal who wants a hearing on his proposal before

1 the Committee takes final action is entitled to have it.
2 As I understand it, the committees uniformly have been
3 attempting to provide this hearing. But the substantive
4 committees are now reaching the stage where they are
5 preparing or will soon be preparing and filing with the
6 Committee of the Whole their very important reports on the
7 various substantive articles of the proposed new
8 Constitution. If they have the obligation to continue
9 to go back and give hearings as each proposal comes in,
10 this very important work will be seriously interfered
11 with.

12 Nevertheless we did discuss in the committee
13 the possibility of a cut-off date for all delegate proposals
14 somewhat along the line of the practice that prevails in
15 the General Assembly. It was the feeling of the Committee
16 that at this point in time it should not be done.

17 In the first place, through the distributio
18 of delegate proposals a delegate can be sure that the
19 entire Convention, that all delegates know about his idea,
20 that it has been brought to their attention. We think at
21 this point in time it would be unfair to deny the

1 delegate this right.

2 Actually while many proposals have been intro-
3 duced, I don't think the flow of proposals is yet
4 unmanageable. We will concede that many of the proposals
5 have no place in a Constitution and would be more
6 appropriately legislation of the type to which Governor
7 Driscoll referred in his remarks to the Convention. But
8 we don't think at this point in time they should be cut
9 off. We don't want to expose the Convention to a charge
10 that they are trying to gag or squelch delegate proposals.
11 Indeed perhaps in late October or early November there
12 may come forth many good proposals, that all wisdom of
13 the Convention may not manifest itself just in the middle
14 of October.

15 However, we are sympathetic with the committees'
16 problem and our recommendation is embraced in Resolution
17 9 with one slight amendment, which is that the requirements
18 of Rule 27 under which a hearing is guaranteed shall not
19 be applicable with respect to delegate proposals introduced
20 after October 27. Originally as introduced the cut-off
21 date suggested on the right of hearing was October 25, but

1 there was considerable sentiment in the committee that this
2 was cutting it off a little too soon and the date chosen
3 by the committee was October 27.

4 Turning now to Resolution 11 -- which would
5 require that all committees disposing of delegate proposals
6 give a written memorandum indicating the reasons for the
7 disposition of the proposal and that that memorandum
8 would be filed with the Clerk -- the Committee is not
9 unsympathetic with the idea that each delegate should know
10 what disposition is made of his proposal by a committee.
11 We explained to the sponsor of Resolution 11 the practice
12 that is being observed -- and hopefully will continue to
13 be observed -- by the committees in their report. They
14 will try to mention either by way of favorable report or
15 unfavorable report or with the notation or observation that
16 these numbered proposals have been considered to the maximum
17 extent possible. There will be some proposals, however,
18 that probably will not be noted formally in a report.
19 The committee chairmen have indicated, a number of them,
20 that it is their intention to call the sponsor of such
21 proposal and to advise him the committee is not going to

1 take further action under the rules and to afford him this
2 courtesy.

3 I think at this point in time it might be well
4 to just review briefly the protections the delegate has
5 under the rules. A delegate has the right to submit a
6 proposal. Up to October 27, he has a right to have a
7 hearing on it if he wants it. However, there is nothing
8 in the rules that gives him the right to have a
9 written rejection of his proposal or indeed to have the
10 committee take any particular action on it.

11 However, if a committee attempts to bottle up
12 a proposal, a delegate has the right under Rule 30 on
13 one day's notice and if he can convince a majority of his
14 colleagues to agree with him, to flush the proposal out.

15 Finally he has the right, if his proposal is
16 still in committee when the committee's report comes out,
17 he has the right to have an amendment prepared, have it
18 distributed to the delegates, and have it debated up and
19 down on the floor in the Committee of the Whole.

20 We think that the rights provided by the rules
21 are about as far as the Convention should be asked to go

1 in guaranteeing a delegate the right to have his colleagues
2 know about his proposal and to have a vote upon it if he
3 insists upon it at the proper time.

4 We think to require the committees to grind
5 out memoranda in each case where the total proposals have
6 already reached or is approaching 400 and may exceed or
7 approach 800 would be very unreasonable and for that
8 reason we recommend that Resolution 11 not be adopted
9 although we have indicated our general sympathy that the
10 procedures be administered fairly so that an individual
11 delegate learns at some time whether the committee intends
12 to act favorably or unfavorably or to consider his proposal
13 at all.

14 THE PRESIDENT: Are there any questions of the
15 chairman for the purposes of clarification? Delegate
16 Boileau.

17 DELEGATE BOILEAU: Mr. President, I believe
18 there is one other alternative a person would have which
19 would be to convince 20 per cent of the committee to
20 provide a minority report and also resulting in the minority
21 report coming on the floor of the Committee of the Whole.

1 DELEGATE SCANLAN: That is right. You are
2 absolutely correct. That is another protection.

3 THE PRESIDENT: Any further questions of the
4 chairman of the committee? First we will take up
5 Resolution No. 9. As the Chair understands, Delegate
6 Scanlan moves the amendment of Resolution No. 9, as
7 indicated in the committee report.

8 DELEGATE SCANLAN: That is correct, substituting
9 date of October 27 for the original date of October 23 in
10 that resolution.

11 THE PRESIDENT: Is there a second to the motion
12 to amend?

13 (The motion was duly seconded.)

14 THE PRESIDENT: The question arises on the
15 amendment to Resolution No. 9 to read as follows. Resolved
16 that Rule 27, Rules of the Convention, be amended by
17 inserting at the end, therefore, a new sentence reading
18 as follows: The requirements imposed by this rule shall
19 not be applicable with respect to delegate proposals
20 introduced after October 27, 1967. Any discussion on the
21 motion to amend? Are you ready for the question? All

1 in favor of the motion to amend, signify by saying Aye;
2 opposed, No. The Ayes have it. It is so ordered.

3 The question now arises on Resolution No. 9
4 as amended. Is there any discussion? Since this is an
5 amendment of the rules, a roll call vote is called for.
6 Has every delegate voted? Does any delegate desire to
7 change his vote? The Clerk will record the vote. There
8 being 134 votes in the affirmative and 1 in the negative,
9 the motion is carried and the resolution as amended is
10 adopted. The rule stands amended.

11 The question now arises on Resolution 11.
12 The question is on the adoption of the resolution notwith-
13 standing the unfavorable report of the committee. The
14 Chairman recognizes Delegate Finch.

15 DELEGATE FINCH: Mr. President, fellow delegates,
16 ladies and gentlemen, I have set forth my arguments for
17 adoption of Resolution No. 11 in the memorandum that
18 attached thereto. I still think that the arguments are
19 very good ones because the resolution sets up a uniform
20 procedure in handling each resolution after it has been
21 introduced to the Convention, and then referred to a

1 committee.

2 Secondly, once the resolution has been referred
3 to a committee, it should subsequently be debated in
4 committee. Finally the Chief Clerk is charged with the
5 responsibility of making some notations as to what is
6 the final disposition made of each resolution.

7 These are the arguments for favorable adoption
8 of the resolution on the procedural aspects.

9 Now turning to the substantive aspects in
10 favor of the adoption of this resolution, each delegate
11 is assured that or at least should be assured that his
12 resolution is going to be considered on its merits.

13 Furthermore, if a written report is made by
14 the committee and filed with the Chief Clerk, the public has
15 information as to what happened to that particular resolu-
16 tion.

17 Thirdly, you have the problem of documentat
18 of the resolution. As Governor Driscoll pointed out, there
19 are many proposals that have been introduced wherein they
20 may not rise to constitutional level but which still have
21 good merit and should be considered further perhaps by the

1 Executive Branch of government and referred on to the
2 Legislature for further action. These are several of
3 my reasons for the adoption of Resolution No. 11 and I
4 urge you to give it a favorable vote.

5 THE PRESIDENT: Is there any further discussion?
6 Are you ready for the question? Although the resolution
7 does not in terms amend the rules, its adoption would,
8 it seems to me, be substantially equivalent to amendment
9 of the rules and I would therefore like to have a roll
10 call vote. A vote Aye is a vote in favor of the resolution
11 notwithstanding the unfavorable report of the committee.
12 A vote No is a vote against the adoption of the resolution.

13 (Whereupon the roll call was taken.)

14 Has every delegate voted? Does any delegate
15 desire to change his vote? If not, the Clerk will record
16 the vote. There being 12 votes in the affirmative and 120
17 in the negative , the resolution is lost.

18 Next item on the calendar is introduction and
19 first reading of proposals. There are nine proposals,
20 numbers 356 to 365. I call your attention to the fact
21 there have been circulated a number of memoranda pertaining

1 to proposals heretofore introduced, memoranda pertaining
2 to proposals No. 6, 153, 189, 231, 242.

3 Delegate Proposal No. 356. The Clerk will read
4 the proposal.

5 MR. QUILLEN: Delegate Proposal No. 356, by
6 Delegates Sherbow and Case at the request of the Committee
7 on State Finance and Taxation. A proposal that the State
8 shall value property according to a uniform method or
9 methods for purposes of determining property tax assess-
10 ment and the share of governmental units in any distribution
11 of funds based in whole or in part on such assessments.

12 THE PRESIDENT: Delegate Proposal No. 356 is
13 referred to the Committee on State Finance and Taxation.

14 Delegate Proposal No. 357. The Clerk will read
15 the proposal.

16 MR. QUILLEN: Delegate Proposal No. 357, by
17 Delegates Caldwell, Blair, Key and Ritter. A proposal
18 that Section 2.04 of Article II, dealing with disqualifica-
19 tions for voting read as follows:

20 THE PRESIDENT: Delegate Proposal No. 357 is
21 referred to the Committee on Suffrage and Elections.

1 Delegate Proposal No. 358. The Clerk will read
2 the proposal.

3 MR.QUILLEN: Delegate Proposal No. 358, by
4 Delegates Carson, James, Peters, Rollins, Sybert,Willis.
5 A proposal that there be a section in the Article entitled
6 "General Provisions" dealing with retention of existing
7 law, to read as follows:

8 THE PRESIDENT: Delegate Proposal No. 358 is
9 referred to the Committee on General Provisions.

10 Delegate Proposal No. 359. The Clerk will read
11 the proposal.

12 MR. QUILLEN: Delegate Proposal No. 359, by
13 Delegates Carson, James, Peters, Rollins, Sybert, and
14 Willis. A proposal that Article VII of the Constitution,
15 to be entitled "Local Government," shall read as follows:

16 THE PRESIDENT: Delegate Proposal No. 359
17 is referred to the Committee on Local Government.

18 Delegate Proposal No. 360. The Clerk will read
19 the proposal.

20 MR. QUILLEN: Delegate Proposal No. 360, by
21 Delegates Case, James ,Rollins, and Willis. A proposal

1 that Section 6.08 of Article VI of the Constitution dealing
2 with enactment of budget bill read as follows:

3 THE PRESIDENT: Delegate Proposal No. 360 is
4 referred to the Committee on State Finance and Taxation.

5 Delegate Proposal No. 361. The Clerk will
6 read the proposal.

7 MR. QUILLEN: Delegate Proposal No. 361, by
8 Delegate Lloyd Taylor. A proposal that the Constitution
9 provide for the restoration of the right to vote one
10 year after having served sentence for conviction of
11 a crime which results in disenfranchisement, to read as
12 follows:

13 THE PRESIDENT: Delegate Proposal No. 361 is
14 referred to the Committee on Suffrage and Elections.

15 Delegate Proposal No. 362. The Clerk will
16 read the proposal.

17 MR. QUILLEN: Delegate Proposal No. 362, by
18 Delegate Anderson. A proposal that the new Constitution
19 include the provisions of Article XVI, Sections 1-6 inclusive
20 of the present Constitution dealing with referendum, which
21 reads as follows:

1 THE PRESIDENT: Delegate Proposal No. 362 is
2 referred to the Committee on Suffrage and Elections.

3 Delegate Proposal No. 363. The Clerk will read
4 the proposal.

5 MR. QUILLEN: Delegate Proposal No. 363, by
6 Delegates Hanson and Sollins. A proposal to provide among
7 the General Provisions of the Constitution a Commission on
8 Salaries for Constitutional officers to read as follows:

9 THE PRESIDENT: Delegate Proposal No. 363 is
10 referred to the Committee on General Provisions.

11 Delegate Proposal No. 364. The Clerk will read
12 the proposal.

13 MR. QUILLEN: Delegate Proposal No. 364, by
14 Delegate Wheatley. A proposal that the Constitution
15 provide for a defined and expanded relationship between
16 the General Assembly and the Governor in the preparation of
17 the state budget which would allow the General Assembly
18 to obtain more adequate information in this formative
19 stage prior to the Governor's budget message.

20 THE PRESIDENT: Delegate Proposal No. 364 is
21 referred to the Committee on State Finance and Taxation.

1 Next on the agenda is motions and resolutions.
2 Are there any motions or resolutions? I have no announce-
3 ments. Are there any announcements by committee chairman?
4 Delegate Koss?

5 DELEGATE KOSS: Mr. President, the Committee
6 on Suffrage and Elections will convene ten minutes after
7 the adjournment of this afternoon's plenary session and
8 will meet again tomorrow morning at 10 o'clock. Thank you.

9 THE PRESIDENT: Delegate Gallagher.

10 DELEGATE GALLAGHER: The Committee on the
11 Legislative Branch will meet ten minutes after the close
12 of this session to hear Messrs. J. Cookman Boyd, Jr.,
13 W. Orville Wright, and James J. Doyle, Legislative Aides,
14 who are testifying today. We are meeting tomorrow beginning
15 9:30 a.m. The committee will meet this evening at 7:15
16 p.m. in H-8 to consider such testimony as the public may
17 have with respect to a unicameral and bicameral General
18 Assembly.

19 THE PRESIDENT: Delegate Pulany.

20 DELEGATE PULANY: Mr. President, the Committee
21 on Public Information wishes to report the score is now

1 seven to one, top of the eighth, in favor of the Cards.
2 The Committee on Public Information will meet tomorrow
3 at 1:15 in Room H-18 to consider Resolution No. 3.

4 THE PRESIDENT: Delegate Mudd.

5 DELEGATE MUDD: Mr. President, the Committee
6 on the Judicial Branch will meet again this afternoon at
7 3 o'clock and tomorrow morning we resume hearings on
8 delegate proposals beginning at 10 a.m. on Delegate
9 Proposal 219 introduced by Delegate Kirkland having to do
10 with Clerks of Court. At 11 a.m. we hear from Delegate
11 Grant of Garrett County regarding Courts of Limited
12 Jurisdiction. At noon we consider Delegate Proposal No.
13 272.

14 Our formal hearings with witnesses will be
15 concluded tomorrow with the final witness being Rignal W.
16 Baldwin of the Maryland Bar Association at 3 p.m. Tomorrow
17 concludes our formal hearings except for the public hearing
18 Monday evening 7:30 in the Shaw House previously announced
19 at which all delegates and their constituents will be
20 welcome. Thank you.

21 THE PRESIDENT: Delegate Morgan.

1 DELEGATE MORGAN: Mr. President, the Committee
2 on the Executive Branch will meet ten minutes after
3 adjournment of this session to discuss procedural matters
4 in connection with our decision-making process.

5 THE PRESIDENT: Delegate Sherbow.

6 DELEGATE SHERBOW: Mr. President, the Committee
7 on State Finance and Taxation will continue its hearings
8 tomorrow morning on a number of proposals. We are acting
9 on them and filing our memoranda with the Clerk. If there
10 are members of the Constitutional Convention who have
11 views that they want us to obtain from them on the subjects
12 that we have been holding hearings on, we urge you to get
13 them in promptly because beginning next week, we are going
14 to hold our debates and begin reporting these matters out
15 on the floor. If you have any views, please let us have
16 them from you promptly.

17 THE PRESIDENT: Delegate Kiefer.

18 DELEGATE KILFER: Mr. President, the Committee
19 on Personal Rights and the Preamble have been holding
20 hearings this morning on the right to life and freedom
21 of expression. These were held in the State Chamber.

1 They will continue as soon as you and the officers finish
2 interviewing these press people at the same place. This
3 afternoon we will hear from George Delaplaine, Jr.,
4 Editor and Publisher of the Frederick News and Post and
5 from Francis Porter from the Washington Daily News.
6 Also from Delegate Maurer in connection with one of her
7 proposals.

8 Tomorrow morning we are going to have the final
9 hearing with respect to due process and equal protection.
10 This is that part that deals with sex discrimination,
11 referred to as Sex Day for the Personal Rights and Preamble
12 Committee. We will have Mrs. Helen Elizabeth Brown and
13 also are inviting those delegates who have submitted
14 proposals on this. There are, I think, six separate
15 proposals.

16 THE PRESIDENT: Delegate Moser.

17 DELEGATE MOSER: Mr. President, the Committee
18 on Local Government will reconvene 15 minutes after the
19 session to hear Dr. Burdette on the general subjects of
20 limitation of public local laws and the shared powers-
21 expressed powers problem.

1 Tomorrow at 9 a.m. hearings will commence on
2 those delegate proposals relating to resolutions of
3 intergovernmental conflicts which are proposals 38, 100, and
4 352.

5 At 11:30 tomorrow morning we will take up again
6 the question of intergovernmental cooperative agreements
7 and the delegate proposals or a number of them, on which
8 there are hearings on Monday, plus Delegate Proposals 10
9 and 7. Section 8.06 and Section 7.15 respectively will
10 be in for action tomorrow morning.

11 THE PRESIDENT: Delegate Scanlan.

12 DELEGATE SCANLAN: The Committee on Rules,
13 Credentials and Budget will meet ten minutes after the
14 last out in the Red Sox-Cardinal game in the basement of
15 the Snaw House to resume and hopefully conclude our
16 deliberations on Resolutions 13 and 14 as well as further
17 consider the proposed budget.

18 THE PRESIDENT: Delegate Boyer.

19 DELEGATE BOYER: Mr. President, your Committee
20 on General Provisions will work the rest of the day on the
21 item of militia. We will hear at 4 o'clock from Attorney

1 General Burch. We will continue our deliberations tomorrow
2 morning beginning at 9:30 by hearing testimony from
3 Superintendent of State Police, Mr. Robert Lally. We will
4 then hear from General Reckord, General Gelston, and Mr.
5 McCabe, a representative of the Executive Department, an
6 expert in this field.

7 In response to the several inquiries that have
8 been placed to me in the corridors I think it would be
9 appropriate, Mr. President, at this time to announce that
10 those delegates who have proposals that have been referred
11 to the General Provisions Committee consisting of approxi-
12 mately 40 at this point will today receive invitations to
13 appear before our committee either Monday, Tuesday, or
14 Wednesday. We will be very happy to hear from you as a
15 proponent of your proposal. I just thought at this time
16 it would be an appropriate time to tell you we can hear
17 from you by Monday, Tuesday, or Wednesday, as your
18 invitation will indicate. Thank you.

19 THE PRESIDENT: Any further announcements by
20 committee chairmen? Any announcements from any other
21 delegates?

1 Any delegates present now who were not present
2 at roll call who desire to indicate their presence?

3 Delegate Lord?

4 DELEGATE LORD: I would like to indicate my
5 presence.

6 THE PRESIDENT: Delegate Miller, B. Miller.

7 DELEGATE B. MILLER: I would like to indicate
8 my presence.

9 THE PRESIDENT: Any other delegates desire to
10 indicate their presence? If not, the Chair recognizes
11 Delegate Powers, Chairman of the Committee on Calendar
12 and Agenda.

13 DELEGATE POWERS: Mr. President, I move we
14 adjourn until 2 p.m. tomorrow.

15 THE PRESIDENT: All in favor, signify by saying
16 Aye; contrary, No. The Ayes have it, and it is so ordered.

17 (The Constitutional Convention adjourned at
18 3:03 to reconvene at 2 p.m. October 13, 1967.)

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Maryland Room
University of Maryland Library
College Park, Md.

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3 CONSTITUTIONAL CONVENTION
4 OF THE
5 STATE OF MARYLAND
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10 Chamber of the House of Delegates
11 State Capitol
12 Annapolis, Maryland
13 October 13, 1967 - 2 p.m.
14
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17 HONORABLE H. VERNON ENEY,
18 PRESIDENT
19
20

21 Reported by:
W. P. Banister

1 THE PRESIDENT: The Convention will please come
2 to order.

3 The invocation today will be offered by the
4 Reverend Robert E. Mitzel, Emory Methodist Church,
5 Ellicott City, Maryland. Reverend Mitzel.

6 (Whereupon the invocation was offered by
7 Reverend Mitzel.)

8 THE PRESIDENT: Roll call.

9 (Whereupon the roll call was taken.)

10 THE PRESIDENT: Have all delegates answered
11 the roll call?

12 The Clerk will record the roll call. There
13 being a quorum present, the Convention is in session.

14 The Chair recognizes Delegate Powers, Chairman
15 of the Committee on Calendar and Agenda.

16 DELEGATE POWERS: Mr. President, I move today's
17 calendar and agenda be adopted.

18 THE PRESIDENT: Is there a second?

19 (The motion was duly seconded.)

20 THE PRESIDENT: Any discussion? All in favor,
21 signify by saying Aye; contrary, No. The motion is

1 carried. The calendar is adopted.

2 Are there any reports of standing committees?
3 If not, the next item on the agenda is introduction and
4 first reading of proposals. There are only four proposals
5 today, Numbers 365 to 368.

6 Before reading those, I wish to re-refer two
7 other proposals. At my request, Proposal No. 216 has
8 been returned by the Committee on General Provisions.
9 I now re-refer it to the Committee on Suffrage and
10 Elections. Please mark your copy. No. 216.

11 At my request Proposal No. 279 has been returned
12 by the Committee on Suffrage and Elections. I re-refer
13 it to the Committee on the Legislative Branch. 279 on
14 Suffrage and Elections to the Committee on the Legislative
15 Branch.

16 You have on your desk memoranda to accompany
17 Delegate Proposal Numbers 140 and 145.

18 Delegate Proposal No. 365. The Clerk will
19 read the proposal.

20 MR. QUILLEN: Delegate Proposal No. 365, by
21 Delegate Gilchrist. A proposal that Section 3.08,

1 Article III, dealing with compensation of legislators,
2 shall read as follows:

3 THE PRESIDENT: Delegate Proposal No. 365 is
4 referred to the Committee on the Legislative Branch.
5 You should have a memorandum by Delegate Gilchrist
6 accompanying that proposal.

7 Delegate Proposal No. 366. The Clerk will
8 read the proposal.

9 MR. QUILLEN: Delegate Proposal No. 366, by
10 Delegate Frederick. A proposal that the Constitution
11 provide for State financing of campaigns for State-wide
12 offices in general elections, and placing a limit on the
13 amount of such funds which may be expended, to read as
14 follows:

15 THE PRESIDENT: Delegate Proposal No. 366 is
16 referred to the Committee on Suffrage and Elections. There
17 is a memorandum by Delegate Frederick accompanying that
18 proposal.

19 Delegate Proposal No. 367. The Clerk will
20 read the proposal.

21 MR. QUILLEN: Delegate Proposal No. 367, by

1 Delegates Gallagher and Bard. A proposal that Article III,
2 Section 3.17, dealing with the Journal and Passage of
3 Bills, shall read as follows:

4 THE PRESIDENT: Delegate Proposal No. 367
5 is referred to the Committee on The Legislative Branch.

6 There is a memorandum accompanying Delegate
7 Proposal No. 367 by Delegates Gallagher and Bard.

8 Delegate Proposal No. 368. The Clerk will
9 read the proposal.

10 MR.QUILLEN: Delegate Proposal No. 368, by
11 Delegate Gallagher. A proposal that the effective date of
12 Acts of the General Assembly shall be July 1, unless an
13 Act shall designate a different date and be passed by a
14 three-fifths vote of each house.

15 THE PRESIDENT: Delegate Proposal No. 368
16 is referred to the Committee on The Legislative Branch.
17 I believe that is all of the proposals.

18 Resolution No. 16. The Clerk will read the
19 resolution.

20 MR. QUILLEN: Resolution No. 16 by Delegates
21 Bard, Bamberger, Gilchrist, and Sollins. A resolution

1 suggesting that all substantive committees prepare
2 presentments of the legislative ideas that flow from those
3 proposals that are not considered to be issues for the
4 Constitution, yet are valuable as suggestions for improve-
5 ment of the government of Maryland.

6 THE PRESIDENT: Resolution No. 16 is referred
7 to the Committee on Rules, Credentials and Convention
8 Budget. Delegate Bard.

9 DELEGATE BARD: Mr. President, Delegate
10 Gill's name was left off of those who are sponsoring this
11 resolution. It was on the original typing.

12 THE PRESIDENT: Each delegate please note on
13 his copy that one of the sponsors of Resolution No. 16
14 is Delegate Gill.

15 The Chief Page has advised me I was in error
16 in announcing that the memorandum accompanying Delegate
17 Proposal No. 145 had been circulated. It has been repro-
18 duced but has not yet been circulated.

19 Are there any other motions or resolutions?
20 Delegate Fornos?

21 DELEGATE FORNOS: Mr. President, I move that

1 the Convention reject the proposal by the Committee on
2 Calendar and Agenda to declare October 27 a holiday for
3 the Delegates of this Convention.

4 THE PRESIDENT: Is there a second?

5 (The motion was duly seconded.)

6 DELEGATE FORNOS: Mr. President.

7 THE PRESIDENT: So that the matter will be
8 properly before the Convention, may I suggest that your
9 motion be rephrased, that the Convention meet on October
10 27, 1967.

11 DELEGATE FORNOS: Thank you. I accept the
12 change.

13 THE PRESIDENT: Does the seconder accept?

14 (Accepted.)

15 THE PRESIDENT: The question arises on the
16 motion that the Convention meet on Friday, October 27,
17 1967. Delegate Fornos.

18 DELEGATE FORNOS: Mr. President, it has caused
19 quite a bit of problem in my own mind to see how we could
20 possibly, having been elected to serve for a ninety-day
21 term to do what already is a momentous job within those

1 ninety days, then take it upon ourselves to say to the
2 people of the State of Maryland that, though we knew this
3 job was going to be burdensome on us, that we were
4 willing to exercise diligence to get elected, that we
5 need a little break in the middle to recharge our batteries
6 and go out so we can come back to work refreshed.

7 All of the citizens of this state work at
8 least a five-day week and I see where this Convention is
9 no different from those people. I therefore ask that the
10 Convention join me in rejecting this proposal.

11 THE PRESIDENT: Is there any further discussion?
12 Delegate Powers?

13 DELEGATE POWERS: Mr. President, one of the
14 principal reasons that the Committee on Calendar and
15 Agenda made the suggestion that we have a long weekend
16 toward the latter part of the month of October was that
17 many delegates needed more time than they now have to talk
18 over matters with the people back where they live.

19 There seems to be some impression that the
20 only work that is done by a delegate to the Convention is
21 either on the floor of the Convention or in committees.

1 I think most of us would agree that a great deal of time is
2 spent by every delegate and that this is one of the
3 principal purposes for doing that.

4 Also we will be at that time going into a phase
5 where we will begin to have much longer meetings of the
6 session itself and delegates will have even less time to
7 spend with their constituents or confer with them. It is
8 believed that it was important for that reason alone.

9 I hope the motion will fail.

10 THE PRESIDENT: Any further discussion? Delegate
11 Scanlan?

12 DELEGATE SCANLAN: May I remind Delegate
13 Fornos and our fellow delegates the great Constitutional
14 Convention in Philadelphia in 1787 enjoyed several
15 brief respites from its important labors, and its final
16 product did not suffer from a week off in that case.
17 I think the final product of this Convention will not
18 suffer from a day off.

19 THE PRESIDENT: Any further discussion?

20 DELEGATE FORNOS: Mr. President.

21 THE PRESIDENT: Delegate Kiefer.

1 DELEGATE KIEFER: Mr. President, the Committee
2 on Personal Rights and Preamble has been working very
3 long hours and they will continue to work long hours.
4 Very frankly, while October 27 may be a holiday, I
5 expect that most of the members of this committee will be
6 working, either being, as Delegate Powers said, back home;
7 but, even so, there is a tremendous amount of work to be
8 done. We don't call this a lost day. In fact, we do
9 welcome a respite from having to be here at the Convention.
10 I feel that is not to be a lost day.

11 THE PRESIDENT: Any further discussion?
12 Delegate Fornos, I will recognize you to close the debate
13 but I think others should have their chance. Delegate
14 Gill.

15 DELEGATE GILL: At the time of this suggestion
16 the cut-off date for introducing proposals was October
17 17 or 23rd, I forget now. But since then it has been
18 moved up to the 27th. I doubt the wisdom of a holiday
19 on that account.

20 THE PRESIDENT: Is there any further discussion?
21 Delegate Beall?

1 DELEGATE BEALL: Mr. President, I can under-
2 stand why if I lived in commuting distance, I wouldn't
3 need a holiday; but we who live 200 miles away, it seems
4 to me one day in the week that we should have the
5 opportunity to get back to our homes.

6 We can go up there on Fridays or Saturdays,
7 something going on, Monday we have to start to drive
8 back here in order to be here when the Convention convenes.
9 I hope that we would get at least one day a month work
10 day where we can go back and meet with our own constituents
11 and talk to people. Saturdays everybody knows nobody else
12 is around. We would like to have that one day. I hope
13 the motion is defeated.

14 THE PRESIDENT: Delegate Bard.

15 DELEGATE BARD: Mr. President, I hope that the
16 debate on this issue does not resolve itself into the
17 matter as to whether we shall take a holiday or not but
18 rather as to whether we will have one day that is
19 scheduled somewhat differently from other days. It seems
20 to me this is the real issue at hand. We will be doing
21 that which we seek to do in different ways on a necessarily

1 tight schedule.

2 THE PRESIDENT: Anything further? Delegate
3 Hutchinson?

4 DELEGATE HUTCHINSON: Mr. President, I personally
5 have been asked by several school teachers to speak to
6 their classes one day on the Constitution and on the
7 Convention. Because of our schedule, I am afraid I have
8 not been able to have an opportunity. I would enjoy on-
9 day to do so.

10 THE PRESIDENT: Any further discussion? Delegate
11 Fornos.

12 DELEGATE FORNOS: Mr. President, I am delighted
13 to see the unanimity among the leadership of this Convention
14 and also the others who have joined in in calling for
15 more time off. We are now working a thirty-two hour work
16 week. We have already taken into consideration the
17 commuting distances of our distinguished countians who
18 come from far away by calling the Convention into session
19 at 4 p.m. on Monday afternoon.

20 We also have taken further steps to make sure
21 that all attorneys in this Convention shall enjoy the

1 enviable position of not losing any business by postponing
2 all court cases that they might be involved in until after
3 the Convention is over.

4 It seems to me we were elected to do a job and
5 those delegates who are interested in doing that job know
6 they owe this to their people back home.

7 THE PRESIDENT: Call for the question. A vote
8 Aye is a vote --

9 DELEGATE FORNOS: Mr. President, I would like
10 to call for a roll call.

11 THE PRESIDENT: A vote Aye is a vote in favor
12 of the motion, a vote in favor of the proposition that the
13 Convention will sit on Friday, October 27. A vote No
14 is a vote in opposition to the motion. It does not mean
15 that the Convention will not sit on the 27th, the
16 Convention will decide that at the proper time. Roll
17 call vote has been called for. Delegate Boyce.

18 DELEGATE BOYCE: As I understand a roll call,
19 the roll call is to defeat Mr.Fornos' motion. If that
20 be so, then doesn't the calendar hold that we decided
21 the other day?

1 THE PRESIDENT: There was no decision the other
2 day that the Convention would or would not meet on the
3 27th. All you had was an announcement by the Chairman of
4 the Committee on Calendar and Agenda that on Thursday, the
5 26th, he would move that the Convention recess until the
6 following Monday. In other words, it was merely notice of
7 his intention.

8 DELEGATE BOYCE: Thank you, Mr. President.

9 THE PRESIDENT: The Convention would still be
10 in control of its calendar. There will be a roll call
11 vote. A vote Aye is a vote in favor of the motion.
12 A vote No is a vote opposed. Has every delegate voted?
13 Does any delegate desire to change his vote? The Clerk
14 will record the vote. There being 21 votes in the
15 affirmative and 112 in the negative, the motion is lost.

16 Are there any further motions or resolutions?
17 Delegate Robey.

18 DELEGATE ROBEY: Mr. President, now that we
19 have voted on the motion. I have one personal question,
20 however. That is with regard to salary status and per
21 diem status on that date.

1 THE PRESIDENT: Delegate Frank Robey, are you
2 putting a question?

3 DELEGATE ROBEY: I am asking a question, Mr.
4 President.

5 THE PRESIDENT: Of the Chair?

6 DELEGATE ROBEY: Of the Chair.

7 THE PRESIDENT: If I understand you correctly,
8 the question is whether the per diem expense allowance
9 would be paid that day if the delegate was not actually
10 in attendance at a meeting of the committee or of the
11 Convention. I am assuming that if he is not in attendance
12 at a meeting of the Convention or of a committee thereof,
13 he does not receive his per diem.

14 The same rule does not apply, I would take it,
15 to the salary because the provision for salary is that
16 there be a \$2,000 salary with a deduction of \$15 per day
17 for every day of unexcused absence. This would not be a
18 day of unexcused absence so I take it there would not be
19 a deduction. That is merely my personal opinion that if
20 there are no committee meetings and no Convention session,
21 there would not be a \$25 expense allowance.

1 Are there any further motions or resolutions?

2 I have only one announcement. Heretofore we
3 have been circulating to all delegates a copy of the
4 daily transcript. It has been suggested by a number of
5 delegates that this is posing a problem of bulk. They
6 do not have sufficient storage space. Therefore, beginning
7 on Monday, we will cease the practice of circulating a
8 transcript to every delegate. Instead we will send one
9 transcript to each committee chairman and will give one
10 transcript to each delegate who in person requests the
11 office of the Secretary of the Convention to continue
12 supplying him with a transcript. If you do not make the
13 request immediately, it does not mean that you cannot
14 make the request at a later date.

15 The effect of the rule, therefore, is merely
16 to avoid unnecessary distribution of the transcripts.
17 Any delegate who wants one now or later may stop at the
18 office of the Secretary and he can be put on the distribu-
19 tion list.

20 Any announcements by committee chairmen?

21 Delegate Kiefer?

1 DELEGATE KIEFER: Mr. President, the Committee
2 on Personal Rights and the Preamble will meet for just a
3 few minutes immediately after this meeting. On Monday
4 we will have a hearing on various proposals submitted by
5 Delegate Finch, I think there are thirty-four of them,
6 starting promptly at 2 o'clock. At 7:30 this evening we
7 have coming Mr. Bernard Fensterwald, Chief Counsel of the
8 Subcommittee on Administration Practice and Procedure in
9 the United States Senate, to talk on eavesdropping.
10 He will bring with him a number of devices that may be of
11 interest to people. Delegates may want to hear this and
12 see these devices.

13 On Tuesday the committee begins its hearings
14 on religious freedom. This will start in the morning and
15 will continue with time out for those who want to go on
16 the boat ride but with a scheduled public hearing Tuesday
17 night about 7:30. I am sure the boat will be back by that
18 time.

19 THE PRESIDENT: Further announcements?
20 Delegate Mudd?

21 DELEGATE MUDD: Mr. President, the Committee

1 on The Judicial Branch will reconvene at 3 o'clock this
2 afternoon at which time we have the honor and privilege
3 of hearing from Rignal Baldwin, President, Maryland State
4 Bar Association. We resume our hearings on Monday
5 beginning at 1 o'clock with Judge Shure of Montgomery
6 County and at 2 o'clock Mr. Paul Schlitz, Director of the
7 Legal Aid Bureau. On that date we conclude our public
8 hearings except for hearings on delegate proposals, with
9 the meeting of citizens and general public at 7:30 p.m. in
10 the Shaw House.

11 Again may I invite Delegates who may have some
12 views on the matter before our committee to be with
13 us at 7:30 p.m. Monday evening as well as any of their
14 constituents who may be interested in the matter before
15 the Judicial Committee. Thank you.

16 THE PRESIDENT: Any further announcements by
17 committee chairmen? Delegate Morgan.

18 DELEGATE MORGAN: Mr. President, this morning
19 the Committee on the Executive Branch made certain tenta-
20 tive decisions to provide for a Lieutenant Governor.
21 On Monday immediately after the session, we will either

1 continue our discussion -- and that's the discussion of
2 the problem of when the Governor elect should take office --
3 or we will hear from Senator Steffey, who has requested
4 the right to appear before our committee.

5 On Tuesday morning at 10 a.m. we will have a
6 joint meeting with the Committee on the Legislative
7 Branch to try to resolve certain matters of joint concern
8 to both committees.

9 THE PRESIDENT: Any further announcements by
10 committee chairmen? Delegate Penniman.

11 DELEGATE PENNIMAN: Mr. President, I would like
12 to announce that the Committee on Style meets on Monday
13 at 2 o'clock but I would also like to ask them to come
14 this afternoon immediately after this session for about
15 a five or ten minute meeting of the committee.

16 THE PRESIDENT: Delegate Gallagher.

17 DELEGATE GALLAGHER: Mr. President, and ladies
18 and gentlemen, the Committee on the Legislative Branch will
19 meet briefly after the session today, immediately after
20 the session to hear from one additional legislative
21 representative. We will meet Monday at 2 o'clock to hear

1 testimony with respect to the percentage of turnover in
2 the legislature caused by death and resignation and other-
3 wise and again Monday evening at 7:45.

4 I am pleased to announce, Mr. President, that
5 the Administrative Assistant of the Committee on the
6 Legislative Branch upon whom fatherhood was first conferred
7 about ten days ago now finds he has a profession as well
8 as paternity. Mr. Richard O. Berndt has passed the Bar
9 and we have one more member of the legal profession in our
10 midst. (Applause.)

11 THE PRESIDENT: Any further announcements
12 by committee chairmen? Delegate Boyer.

13 DELEGATE BOYER: Mr. President, I am very
14 pleased to announce your Committee on General Provisions
15 has completed its scheduled witnesses today. Beginning
16 Monday we will hear from the individual delegates who have
17 proposals that have been referred to our committee and
18 invitations have been extended to each of you. So we
19 will be looking forward to seeing you as a proponent of
20 your proposals on Monday, Tuesday, and Wednesday.

21 THE PRESIDENT: Any further announcements?

1 Delegate Moser.

2 DELEGATE MOSER: Mr. President, the Local
3 Government Committee will next meet on Monday at 12:30
4 p.m. At 1 p.m. as a special order of business, the
5 proponents of Delegate Proposal No. 359 will appear before
6 the committee to testify with respect to that proposal.

7 THE PRESIDENT: Delegate Sherbow.

8 DELEGATE SHERBOW: Mr. President, the Committee
9 on State Finance and Taxation has made a series of
10 decisions with respect to proposals before that committee
11 and these decisions have been filed with the various
12 departments here. In each instance a very short statement
13 is attached giving the reasons for the decision. In
14 addition, each person who has filed a proposal is being
15 given notice of the action of the committee, so that they
16 will not have to come to the committee in order to find out
17 what has happened. We are continuing with our meetings
18 and again I remind you that on Tuesday there will be
19 this large meeting dealing with the subject of agricultural
20 assessments. If you have people who want to be heard on
21 any of the sides of this matters, please let us know so we

1 will know how to schedule that day's hearing.

2 THE PRESIDENT: Any further announcements by
3 committee chairmen? Any announcements by any delegates?
4 Any delegates present now who were absent at roll call
5 who desire to note their presence? If not, the Chair
6 recognizes Delegate Powers, Chairman of the Committee on
7 Calendar and Agenda.

8 DELEGATE POWERS: Mr. President, I move we
9 adjourn until 4 p.m. on Monday.

10 THE PRESIDENT: All those in favor, signify
11 by saying Aye; opposed, No. So ordered.

12 (The Constitutional Convention adjourned at
13 3:35 to reconvene on October 16, 1967, at 4 p.m.)

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CONSTITUTIONAL CONVENTION

OF THE

STATE OF MARYLAND

Chamber of the House of Delegates

State Capitol

Annapolis, Maryland

October 16, 1967 - 4:00 p.m.

HONORABLE H. VERNON ENEY,
PRESIDENT

Reported by:
C. J. Hunt

1 THE PRESIDENT: The Sergeant at Arms will
2 clear the aisles and close the doors.

3 The Convention will please come to order.

4 The invocation today will be offered by the
5 Reverend William Fleming of the Hazelwood Baptist Church
6 in Baltimore City. Reverend Fleming.

7 (Whereupon the invocation was given by the
8 Reverend Fleming.)

9 THE PRESIDENT: Roll call.

10 Have all delegates indicated their presence?

11 The Clerk will please record roll call.

12 (Whereupon the roll call was taken.)

13 THE PRESIDENT: There being a quorum present,
14 the Convention is in session.

15 The Chair recognizes Delegate Powers, Chairman
16 of the Committee on Calendar and Agenda.

17 DELEGATE POWERS: Mr. President, I move we
18 approve the daily Calendar and Agenda.

19 THE PRESIDENT: Is there a second? All in
20 favor, signify by saying Aye. Contrary, No. The Ayes
21 have it. The motion is carried. The Calendar is approved.

1 It gives me a great deal of pleasure to an-
2 nounce to you that the Honorable C. H. Spearman of the
3 Oklahoma House of Representatives, who for several years
4 has been trying very hard to have a Constitutional Conven-
5 tion called in the State of Oklahoma is here on the floor,
6 sitting next to Delegate Winslow. He has made the trip
7 to Maryland in order to observe the workings of this Com-
8 mission, and mostly to pick up a few hints. Mr. Spearman.
9 (Applause.)

10 Are there any reports of other standing com-
11 mittees? If not, we will move to introduction and first
12 reading of proposals. There are fourteen proposals today,
13 Nos. 369 to 382.

14 Before moving on to the proposals, I call to
15 your attention the fact that you have had placed on your
16 desks, twenty-three, I believe, memoranda in support of
17 various proposals heretofore submitted. Twenty-two of
18 these memoranda, those dealing with Proposals 151, 179,
19 188, 190, 191, 193, 194, 205, 229, 230, 238, 247, 254,
20 257, 265, 267, 269, 273, 301, 302, 303, 324 referred to
21 the Committee on Personal Rights and The Preamble, and

1 305 to the Committee on General Provisions.

2 All of the memoranda are by Delegate Finch.

3 Delegate Proposal No. 369. The Clerk will read
4 the proposal.

5 MR. QUILLEN: Delegate Proposal No. 369, by
6 Delegates Barrick, Grant, Macdonald, Moser and Ulrich,
7 A proposal that Article VII of the Constitution dealing
8 with Local Government shall include provisions concerning
9 powers of counties, and general application of laws, to
10 read as follows.

11 THE PRESIDENT: Delegate Proposal No. 369 is
12 referred to the Committee on Local Government.

13 There is a memorandum accompanying this
14 proposal by Delegate Moser.

15 Delegate Proposal No. 370. The Clerk will read
16 the proposal.

17 MR. QUILLEN: Delegate Proposal No. 370, by
18 Delegate Clagett, A proposal that Article VII of the
19 Constitution, dealing with Local Government, shall include
20 provisions concerning power of counties, classification
21 of counties and general application of laws, to read as

1 follows.

2 THE PRESIDENT: Delegate Proposal No. 370 is
3 referred to the Committee on Local Government.

4 Delegate Proposal No. 371. The Clerk will
5 read the proposal.

6 MR. QUILLEN: Delegate Proposal No. 371, by
7 Delegates Gallagher, Bard, Sickles and Boyce, A proposal
8 that Article IV of the new Constitution dealing with the
9 Executive Branch, shall provide for a conditional veto, to
10 read as follows.

11 THE PRESIDENT: Delegate Proposal No. 371 is
12 referred to the Committee on the Executive Branch.

13 Delegate Proposal No. 372. The Clerk will read
14 the proposal.

15 MR. QUILLEN: Delegate Proposal No. 372, by
16 Delegates Caldwell and K. Robie, A proposal that Article
17 VIII, Section 8.04 of the Constitution concerning higher
18 education read as follows.

19 THE PRESIDENT: Delegate Proposal No. 372 is
20 referred to the Committee on General Provisions.

21 Delegate Proposal No. 373. The Clerk will read

1 the proposal.

2 MR. QUILLEN: Delegate proposal No. 373, by
3 Delegates M. H. Smith, J. H. Smith and Henderson, A
4 proposal that the Constitution contain a transitory pro-
5 vision that the office of Sheriff be continued as elective
6 through 1974 and that the Sheriff hold office thereafter
7 and have such duties as provided by law.

8 THE PRESIDENT: Delegate Proposal No. 373 is
9 referred to the Committee on Judicial Branch.

10 Delegate Proposal No. 374. The Clerk will read
11 the proposal.

12 MR. QUILLEN: Delegate Proposal No. 374, by Dele-
13 gate Raley, A proposal that the General Assembly shall
14 have the power, (and the authority to delegate such power
15 to units of local government), to establish limited forms
16 of town or city government including but not limited to
17 the traditional or classical forms of municipal government.

18 THE PRESIDENT: Delegate Proposal No. 374 is
19 referred to the Committee on Local Government.

20 Delegate Proposal No. 375. The Clerk will read
21 the proposal.

1 MR. QUILLEN: Delegate Proposal No. 375, by
2 Delegate Raley, A proposal that the General Assembly shall
3 set minimum standards which local governments must follow
4 in the creation and formation of instruments of government.

5 THE PRESIDENT: Delegate Proposal No. 375 is
6 referred to the Committee on Local Government.

7 Delegate Proposal No. 376. The Clerk will read
8 the proposal.

9 MR. QUILLEN: Delegate Proposal No. 376, by
10 Delegates K. Robie and Maurer, A proposal that Article IV
11 of the Constitution dealing with the Executive Branch shall
12 include a provision concerning Administrative Boards and
13 Commissions which shall read as follows.

14 THE PRESIDENT: Delegate Proposal No. 376 is
15 referred to the Committee on the Executive Branch.

16 Delegate Proposal No. 377. The Clerk will read
17 the proposal.

18 MR. QUILLEN: Delegate Proposal No. 377, by
19 Delegates K. Robie and Maurer, A proposal that Article IV
20 of the Constitution dealing with the Executive Branch shall
21 include a provision concerning Appointments and Removals

1 Prescribed by Law which shall read as follows.

2 THE PRESIDENT: Delegate Proposal No. 377 is
3 referred to the Committee on the Executive Branch.

4 Delegate Proposal No. 378. The Clerk will
5 read the proposal.

6 MR. QUILLEN: Delegate Proposal No. 378, by
7 Delegate Linton, A proposal that the Constitution provide
8 that each political subdivision of the State shall be
9 represented in at least one house of the Legislature, or
10 that existing county boundaries be re-defined to provide
11 that each county and the City of Baltimore be entitled to a
12 minimum of one representative in at least one house of
13 the Legislature.

14 THE PRESIDENT: Delegate Proposal No. 378 is
15 referred to the Committee on Legislative Branch.

16 Delegate Proposal No. 379. The Clerk will read
17 the proposal.

18 MR. QUILLEN: Delegate Proposal No. 379, by
19 Delegates Vecera and Murphy, A proposal that the Consti-
20 tion include a provision restricting the power of popularly
21 elected representative local governments to originate a

1 tax on income or earnings, and matters generally relating
2 thereto, to read as follows.

3 THE PRESIDENT: Delegate Proposal No. 379, is
4 referred to the Committee on State Finance and Taxation.

5 Delegate Proposal No. 380. The Clerk will
6 read the proposal.

7 MR. QUILLEN: Delegate Proposal No. 380, by
8 Delegates Willoner, Burger and Dukes, A proposal that the
9 Bill of Rights of the Constitution contain a provision con-
10 cerning freedom of information that would read as follows.

11 THE PRESIDENT: Delegate Proposal No. 380 is
12 referred to the Committee on Personal Rights and The Pre-
13 amble.

14 Delegate Proposal No. 381. The Clerk will read
15 the proposal.

16 MR. QUILLEN: Delegate Proposal No. 381, by
17 Delegate Bennett, A proposal that Section 5.25 of Article
18 V, dealing with the Judicial Branch include a provision
19 relating to the removal or censure of Judges which shall
20 unequivocally state that misconduct in office shall be
21 construed as including rulings, excessive sentences or

1 immoderate statements clearly manifesting bias or hostility
2 based on race, creed or color.

3 THE PRESIDENT: Delegate Proposal No. 381 is
4 referred to the Committee on the Judicial Branch.

5 Delegate Proposal No. 382. The Clerk will read
6 the proposal.

7 MR. QUILLEN: Delegate Proposal No. 382, by
8 Delegate Cardin, A proposal that the Constitution include
9 a provision to reduce the voting age from twenty-one (21)
10 years to twenty (20) years.

11 THE PRESIDENT: Delegate Proposal No. 382 is
12 referred to the Committee on Suffrage and Elections.

13 Motions and Resolutions: Resolution No. 17.
14 The Clerk will read the resolution.

15 MR. QUILLEN: Resolution No. 17, by Delegate
16 Cardin, A resolution providing that the Legislature be
17 requested to make the age for executing a legal document
18 and purchasing alcoholic beverages consistent with the
19 voting age.

20 THE PRESIDENT: Resolution No. 17 is referred to
21 the Committee on General Provisions.

1 Are there any other motions or resolutions?
2 If not, we will move on to announcements. I have only
3 one, and that is to remind you that the cruise for dele-
4 gates, staff and their respective spouses tomorrow after-
5 noon, the ship leaves the Yacht Basin at 4:30 p.m. If you
6 have not already gotten your tickets, please get them
7 from the office of the Secretary.

8 Are there any announcements by committee chair-
9 men? Delegate Kiefer?

10 DELEGATE KIEFER: Mr. President, the Committee
11 on Personal Rights and The Preamble will meet immediately
12 after this meeting to continue hearings on the proposal
13 submitted by Delegate Finch and at the conclusion of this,
14 or in any event at 7:30 this evening, we will hear from
15 Mr. Bernard Finsterwald, who is Chief Counsel of the
16 Senate Subcommittee on Administrative Practices and Pro-
17 cedures. He will talk to us on matters involving wire-
18 tapping and eavesdropping. Tomorrow we engage in the
19 freedom of religion area, connected with the Bill of Right.,
20 and at 10 o'clock we will have witnesses, Mr. Ed Doerr,
21 a Member of the Board of Directors of the Americans United;

1 Francis X. Gallagher, Esquire, Delegate to this Convention,
2 Meyer Eisenberg, Chairman, Legislative Affairs Committee,
3 Jewish Community Counsel, of Greater Washington.

4 In the afternoon there will be four or five
5 speakers, Leon Sachs, Executive Director of the Baltimore
6 Jewish Community Council, Mrs. Millard Atkinson, Maryland
7 Council of Churches, Father J. Francis Stafford, Director
8 of Catholic Charities, Dr. W. B. Garrett, Maryland Baptist
9 Convention; Rabbi Ameal Wohl, Assistant Rabbi, Baltimore
10 Hebrew Congregation; Furman Templeton, Chairman, Committee
11 on Race, Council of Churches.

12 Tomorrow night at 7:30, or 8 o'clock rather,
13 after the cruise, we will hear from Mrs. Ruth Wolf, Presi-
14 dent of the Prince Georges County P.T.A.; Carl Hersh,
15 National Capital Area Chapter, Americans United for Separation
16 of Church and State and Chairman of the Public
17 Education and Religious Liberty Council; George E. Tyson,
18 Jr., Davis Memorial Unitarian Church, Office of Education
19 United States Government, Education Program Specialist,
20 Washington, D.C., and Mr. Rosenstock.

21 THE PRESIDENT: Any other announcements by

1 committee chairmen? Delegate Sherbow?

2 DELEGATE SHERBOW: Mr. President, the Committee
3 on State Finance and Taxation will meet immediately after
4 this session. Tomorrow at 10 o'clock, we will hold a
5 public hearing on the ground floor of the Shaw House, on
6 the subject of Agricultural Assessments. If there are
7 any members of the Convention who wish to be heard, we
8 would appreciate it if they would let us know in advance
9 so that they may be scheduled early. Several have already
10 told us; so we are aware that we can do this for those
11 particular delegates, but if there are others, and this
12 looks like a lengthy hearing, please let us know. Other-
13 wise we may be there for quite some time.

14 THE PRESIDENT: Any other announcements by
15 committee chairmen? Delegate Mudd?

16 DELEGATE MUDD: Mr. President, the next meeting
17 of the Committee on the Judicial Branch will be at the
18 Shaw House, Baltimore City Delegation Room this evening.
19 It had been advertised and noted on our calendar as 7:30
20 but it also had been advertised for 7 o'clock. I can
21 assure all parties interested that my Committee will be

1 there at 7 and remain until we hear all of those who are
2 interested in being heard. Among those who have asked to
3 be heard are Mr. Thomas N. Clifford, who wishes to speak
4 in behalf of the SOS proposed Constitution. The Committee
5 on the Judicial Branch will have a meeting again tomorrow
6 morning at 10 a.m., at which time we will begin our
7 deliberations and consideration of the proposals regarding
8 the Tax Court, Juvenile Court, Court of Claims, and also
9 the Orphans Court, and hopefully reach the determination
10 promptly as to whether these courts are to be given
11 constitutional stature.

12 There will be no meeting of the Judicial
13 Branch Committee tomorrow afternoon in deference to the
14 boat ride. Thank you, sir.

15 THE PRESIDENT: Delegate Morgan:

16 DELEGATE MORGAN: Mr. President, the Committee
17 on the Executive Branch will meet immediately following
18 adjournment of this session to hear from State Senator
19 John Steffey. Tomorrow, we will have a joint meeting with
20 the Committee on the Legislative Branch to go over some
21 of the matters of joint concern to the two Committees.

1 THE PRESIDENT: Delegate Moser?

2 DELEGATE MOSER: Mr. President, the Committee
3 on Local Government will next meet at 9 a.m. tomorrow. We
4 are in the process of discussing and arriving at tentative
5 conclusions on various subjects, and the subjects for
6 tomorrow will include units of County government and
7 municipal corporations, creation, change, dissolution, et
8 cetera, which will be the first item of business as marked
9 on our general schedule for Wednesday, but will be taken
10 up first tomorrow. Also the question of local legislation
11 and classification.

12 I would like to say, I notice that Delegate
13 Raley put in certain delegate proposals today, and I would
14 like to ask him, or at least notify him that one of the
15 subjects of discussion tomorrow morning will be the areas
16 of the two proposals which he introduced today.

17 THE PRESIDENT: Any other announcements by com-
18 mittee chairmen? Delegate Koss?

19 DELEGATE KOSS: Mr. President, the Committee
20 on Suffrage and Elections will meet tomorrow morning at 10.
21 We have no meeting scheduled after the session tomorrow,

1 but will meet again Wednesday at 10. We are trying hard
2 this week to push ahead, making decisions on generally the
3 area of referendum.

4 THE PRESIDENT: Delegate Gallagher?

5 DELEGATE GALLAGHER: Mr. President, the Com-
6 mittee on Legislative Branch will meet immediately after
7 the session to hear from Dr. Winslow and again tonight at
8 7:45 for a public hearing, and tomorrow morning at 10, as
9 it has been announced. We will have a joint meeting with
10 the Committee on the Executive Branch.

11 THE PRESIDENT: Delegate Dulany?

12 DELEGATE DULANY: Mr. President, the Committee
13 on Public Information will meet at 1 p.m. tomorrow in
14 Room H-18 where we will hear from Delegate Malkus on
15 Resolution No. 3. The Subcommittee of this Committee,
16 chaired by Delegate Hostetter, will meet immediately upon
17 adjournment today in the lounge.

18 THE PRESIDENT: Delegate Boyer?

19 DELEGATE BOYER: Mr. President, your Committee
20 on General Provisions will meet immediately after adjourn-
21 ment of this session to hear from the delegates in the

1 Convention to whom we have extended invitations to appear
2 this afternoon. Our time is scheduled so that we can hear
3 from you as proponents of your proposals. We will meet
4 again tomorrow morning at 10 o'clock for other scheduled
5 delegates; in deference to the occasion tomorrow afternoon,
6 we will not meet, but we will again meet to hear from
7 individual delegates by invitation on Wednesday morning.
8 Thank you.

9 THE PRESIDENT: Any other announcements of
10 committee chairmen? Delegate Scanlan?

11 DELEGATE SCANLAN: Mr. President, the Committee
12 on Rules will meet tomorrow at noon to consider a report of
13 one of its subcommittees concerning primarily possible
14 modification of Rule 50 relating to reconsideration, and
15 also to the possibility of requiring certain amendments
16 to the Committee recommendations when these reach the Floor
17 to be in writing.

18 THE PRESIDENT: Any further announcements of
19 committee chairmen? Delegate Bradshaw?

20 DELEGATE BRADSHAW: Delegates from Montgomery
21 County will meet for just about two minutes immediately

1 on adjournment in the House lounge behind the rostrum.
2 Thank you.

3 THE PRESIDENT: Any other announcements?

4 You have had placed on your desks this afternoon
5 a mimeographed copy of the Rules of the Convention con-
6 taining all amendments which have been adopted to date.
7 We hope that the Rules Committee will finish its consider-
8 ation of the other amendments very shortly and that this
9 will enable the staff to have the Rules printed in conven-
10 ient form for your use during the debates.

11 May I suggest that you look over carefully
12 the Rules as now reproduced so that if you have any sug-
13 gestions or changes, you submit them promptly to the
14 Committee on Rules.

15 You also have on your desks a yellow sheet con-
16 taining information supplied to you by the Committee on
17 Public Information. I suggest you read this and avail
18 yourselves of the services of that Committee, and of the
19 Public Information office.

20 Are there any delegates present now who were
21 absent at roll call who desire to indicate their presence?

1 Delegate Lord?

2 DELEGATE LORD: I would like to record my
3 presence.

4 THE PRESIDENT: Delegate Boyles?

5 DELEGATE BOYLES: I would like to report my
6 presence.

7 THE PRESIDENT: Any other delegates desire to
8 indicate their presence?

9 The Chair recognizes Delegate Powers, Chairman
10 of the Committee on Calendar and Agenda.

11 DELEGATE POWERS: Mr. President, I move we ad-
12 journ until 2 p.m. tomorrow.

13 THE PRESIDENT: All in favor, signify by saying
14 Aye; opposed, No. The Ayes have it. It is so ordered.

15 (Whereupon the meeting adjourned at 4:25 p.m.)

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CONSTITUTIONAL CONVENTION
OF THE
STATE OF MARYLAND

Chamber of the House of Delegates
State Capitol
Annapolis, Maryland
October 17, 1967 - 2:00 p.m.

HONORABLE H. VERNON ENEY,
PRESIDENT

Reported by:
C. J. Hunt

1 THE PRESIDENT: The Sergeant at Arms will clear
2 the aisles and close the doors.

3 The Convention will please come to order.

4 The invocation today will be offered by the
5 Reverend Raymond M. Crowe of the Ferndale Methodist Church,
6 Ferndale, Maryland.

7 (Whereupon the invocation was offered by the
8 Reverend Crowe.)

9 THE PRESIDENT: Thank you. Roll call.
10 (Whereupon the roll call was taken.)

11 THE PRESIDENT: Have all delegates indicated
12 their presence?

13 The Clerk will record the roll call.

14 There being a quorum present, the Convention is
15 in session.

16 The Chair recognizes Delegate Powers, Chairman
17 of the Committee on Calendar and Agenda.

18 DELEGATE POWERS: Mr. President, I move we adopt
19 today's Calendar.

20 THE PRESIDENT: Is there a second?

21 (The motion was duly seconded.)

1 THE PRESIDENT: All in favor, signify by saying
2 Aye; contrary, No. The Ayes have it. It is so ordered.
3 The Calendar is adopted.

4 Reports of other standing committees?

5 (There was no response.)

6 THE PRESIDENT: Mr. Clerk.

7 MR. WAGONHEIM: Report No. R and C 10, Report
8 of the Committee on Rules, Credentials and the Convention
9 Budget. The Clerk will read the report.

10 MR. QUILLEN: Committee Report No. R and C 10
11 by the Committee on Rules, Credentials and Convention
12 Budget, Alfred L. Scanlan, Chairman, a report regarding
13 Resolution No. 13 introduced on October 5, 1967, by
14 Delegate Malkus. The resolution requested that the Presi-
15 dent provide a general summary and periodic reports of
16 amounts spent or encumbered for the operation of the Con-
17 vention. For the reasons stated below the Committee, with
18 one dissenting vote, reports Resolution No. 13 unfavorabl

19 THE PRESIDENT: The report is referred to the
20 Committee on Calendar and Agenda.

21 Any other reports of committees, Mr. Clerk?

1 MR. WAGONHEIM: No, sir.

2 THE PRESIDENT: The next item of business is
3 introduction and first reading of proposals.

4 Before we start on that item of business, I wish
5 to call to your attention that there are nineteen memoranda
6 placed on your desks today referring to proposals heretofore
7 submitted. Eighteen of these are by Delegate Finch, to
8 accompany Delegate Proposals No. 141, 142,^{144,} 151, 178, 179,
9 184, 196, 204, 210, 227, 243, 245, 246, 255, 268, 275, and
10 307. In addition, a memorandum submitted by Delegates
11 Lord and Jett with respect to Delegate Proposal 215.

12 I call your attention to the fact that the
13 memoranda with respect to Delegate Proposals Nos. 151 and
14 179 are second memoranda. You already have the memorandum
15 from Delegate Finch with respect to each of those proposals.

16 At the request of the President, the Committee
17 on Personal Rights and Preamble has returned to me Delegate
18 Proposals Nos. 199 and 273. I am re-referring these
19 proposals to the Committee on General Provisions. Please
20 mark your copies, Nos. 199 and 273 to the Committee on
21 General Provisions, instead of the Committee on Personal

1 Rights and The Preamble.

2 There are six proposals today. Unfortunately,
3 there is a gap of five numbers in the proposals. For the
4 moment, you will be missing Nos. 383 to 387, inclusive.
5 You will have today 388 through 393.

6 Delegate Proposal 388. The Clerk will read the
7 proposal.

8 MR. QUILLEN: Delegate Proposal No. 388, by
9 Delegate Gallagher, A proposal that Section 3.04 of Article
10 III of the new Constitution dealing with the Legislative
11 Branch provide for the election of non-voting legislative
12 agents to represent those counties too small to be entitled
13 to at least one delegate, to read as follows.

14 THE PRESIDENT: Delegate Proposal No. 388 is
15 referred to the Committee on the Legislative Branch.

16 There is a memorandum accompanying Delegate Pro-
17 posal 388, memorandum by Delegate Gallagher

18 Delegate Proposal 389. The Clerk will read th
19 proposal.

20 MR. QUILLEN: Delegate Proposal No. 389, by
21 Delegates Bamberger, Bard, Beachley, Bryson, Hickman, Hopkins,

1 Kiefer, Linton, Pullen, K. Robie, Sherbow, Sybert and
2 Willis, A proposal that the General Assembly shall provide
3 by taxation or otherwise for the operation and maintenance
4 of a system of public libraries throughout the State.

5 THE PRESIDENT: Delegate Proposal No. 389 is
6 referred to the Committee on General Provisions.

7 Delegate Proposal 390. The Clerk will read the
8 proposal.

9 MR. QUILLEN: Delegate Proposal No. 309, by
10 Delegate Needle, A proposal that there be a section in the
11 Article entitled, "Amendment of the Constitution" provid-
12 ing for a constitutional convention in 50 years, and alter-
13 native methods of calling for a constitutional convention
14 within 50 years, including procedures for the governor,
15 General Assembly and the voters by petition to call such
16 convention, to read as follows.

17 THE PRESIDENT: Delegate Proposal No. 390 is
18 referred to the Committee on General Provisions.

19 Delegate Proposal No. 391.

20 The Clerk will read the proposal.

21 MR. QUILLEN: Delegate Proposal No. 391, by

1 Delegates Ulrich, Beachley, Cicone, Eckenrode, Fornos,
2 Gallagher, Groh, Grumbacher, Gullett, Jett, Leitzel, E. C.
3 Murray, Needle, Robie and Taylor, A proposal that the
4 Constitution contain a provision for the conservation of
5 the natural resources of the State.

6 THE PRESIDENT: Delegate Proposal No. 391 is re-
7 ferred to the Committee on General Provisions.

8 There is a memorandum accompanying Delegate
9 Proposal No. 391 by the sponsoring delegates.

10 Delegate Proposal No. 392. The Clerk will read
11 the proposal.

12 MR. QUILLEN: Delegate Proposal No. 392, by
13 Delegate Borom, A proposal that Section 7.09, Article VII,
14 of the Constitution dealing with local government shall
15 include the following provisions concerning the general
16 application of laws and matters generally relating thereto
17 to read as follows.

18 THE PRESIDENT: Delegate Proposal No. 392 is re-
19 ferred to the Committee on Local Government.

20 Delegate Proposal No. 393. The Clerk will read
21 the proposal.

1 MR. QUILLEN: Delegate Proposal No. 393, by
2 Lloyd Taylor, A proposal that the Bill of Rights to the
3 Constitution contain provisions concerning the rights to
4 services, protection and assistance of the State government
5 for all residents that will read as follows.

6 THE PRESIDENT: Delegate Proposal No. 393 is
7 referred to the Committee on Personal Rights and The Pre-
8 amble.

9 There is a memorandum to accompany Delegate
10 Proposal 393 by Delegate Lloyd Taylor.

11 I call to your attention that this proposal and
12 the memorandum have not yet been received from the duplicat-
13 ing office, so that you do not as yet have your copies.

14 Our attention has been called to a typographical
15 error on Delegate Proposal No. 380. If you would please
16 make the correction in pen and ink on your copy; Delegate
17 Burgess's name is misspelled as Berger. That is Delegate
18 Proposal No. 380.

19 Are there any motions or resolutions? If not,
20 we will move on to announcements.

21 You should have on your desks a memorandum from

1 me, Memorandum 15, to which is attached a copy of the
2 United States Treasury Department Form 2106, Bulletin No.
3 463. These are passed on to you only for your information.
4 Let me announce that a number of delegates have said to me
5 that they question the letter accuracy, legal accuracy of
6 the letter received from the District Director of Internal
7 Revenue, which I sent to you a week or so ago. In passing
8 this on to you, I am not meaning to indicate to you anything
9 other than that that is the present position of the Dis-
10 trict Director of Internal Revenue, and I fully understand
11 the position he has taken is not the position that some
12 courts have adopted. We have asked the District Director
13 for further clarification, and if and when it is received,
14 it will be passed on to the delegates.

15 Let me remind you that the boat ride is this
16 afternoon. The boat will leave at 4:30, from Annapolis.
17 The boat will be available at Dock Street, from 4 o'clock on.
18 Parking is available at Dock Street at ten cents an hour
19 until 6 o'clock; thereafter, no charge. The boat should
20 be back by 7:30, so that those committees having hearings
21 at 8 o'clock this afternoon should be back in time for them.

1 As the delegates realize, we have been duplicat-
2 ing and forwarding to the delegates memoranda in support
3 of Delegate Proposals to whatever extent they are offered
4 by delegates, on the theory that each delegate should, to
5 the greatest extent possible, be entitled to place his
6 views in writing before the other delegates. Up until now,
7 this has not posed a major problem. The practice will be
8 continued, unless it grows to such an extent as to inter-
9 fere with the duplication of committee reports and pro-
10 posals. In this event, the memoranda of delegates will
11 be given a preferred priority in the duplicating room,
12 so that when the committee reports start to come in, which
13 will be very shortly, the committee reports will have
14 priority over everything. Next will be Delegate Proposals,
15 and following that will be the various memoranda.

16 It has been indicated to me that some delegates
17 will desire to file memoranda in opposition to proposals.
18 These also will be duplicated within the bounds of reaso
19 and to the extent that I have already indicated.

20 Let me request, however, that delegates not make
21 these memoranda unduly long. If you can make your point

1 succinctly, each committee will give you the opportunity
2 to elaborate by personal appearance, and the memorandum should
3 serve only the function of stating your views as succinctly
4 as possible. The memorandum, if at all possible, should
5 be limited to one page.

6 I had, as I indicated to the Convention hereto-
7 fore, considerable difficulty in resolving the question of
8 excuse for absences on the basis of some of the reasons
9 for absences which have been forwarded to me within the
10 limitations of the rule adopted by the Convention. The
11 problem arises, not because delegates have requested ex-
12 cuses for reasons which are not proper but because I re-
13 quested every delegate who was absent from a session of the
14 Convention and committee on the same day to advise me in
15 writing of the reason for his absence, so that I could, in
16 making the first determinations as to absences, adopt some
17 coherent rule.

18 I find it impossible to distinguish between
19 absences for personal business reasons, by which I mean
20 reasons connected with the business, but the personal
21 business of the delegate, absences of a lawyer in trying a

1 case, absences due to the demand of the employer of the
2 delegate.

3 I went over with the other three officers of
4 the Convention each of the reasons for absences, and in
5 order to be absolutely fair, we adopted a rule which will
6 be evident when I ask the Clerk to read the following
7 excuses for absences. These are the only absences excused
8 during the past two weeks.

9 MR. QUILLEN: Announcement to the Convention:
10 I wish to announce to the Convention and to enter in the
11 Journal that, pursuant to the provisions of Convention
12 Rule 70-C, I excused absences of delegates during the two
13 pay periods beginning September 12, 1967, and ending
14 October 31, 1967, as follows: Name of delegate, E. Stuart
15 Bushong, dates of absences are September 12 and 13; reason,
16 wife in hospital; Name of delegate, Richard W. Case, dates
17 of absences, September 15; reason, illness; Name of delegate,
18 Perry E. Darby, date of absence, September 19; reason, birth
19 of child; Name of delegate, Royce Hanson, date of absence,
20 September 27, 28, 29, October 2 and 3; reason, illness;
21 Name of delegate, William S. James, dates of absences,

1 September 26 and 27; reason, attending meeting of National
2 Legislative Conference to deliver address on the Constitutional
3 Convention of Maryland; Name of delegate, Gerald D. Morgan,
4 dates of absences, September 14 and 15; reason, illness;
5 Name of delegate, Charles L. Wagandt, dates of absences,
6 September 21; reason, illness; Name of delegate, Ralph R.
7 Webster, dates of absences, September 12, 13, 14, 15, 18, 19,
8 20, 21, 22, 25, 26, 27, 28, 29, October 2 and 3; reason,
9 illness. H. Vernon Eney, President.

10 THE PRESIDENT: I would like to inform the Con-
11 vention that the remaining absences, the unexcused absences
12 were very few. Throughout the entire two pay periods
13 mentioned, the aggregate unexcused absences are no more
14 than six.

15 Are there any announcements by committee chair-
16 men? Delegate Morgan?

17 DELEGATE MORGAN: Mr. Chairman, last Thursday,
18 the Committee on the Executive Branch adopted a procedure
19 for our decisions. We decided to use the Commission Draft
20 as the basis for our consideration of the various issues
21 with which our Committee must deal.

1 On Friday we adopted the first four sections of
2 the executive order of the Commission Draft.

3 This afternoon we will meet immediately after
4 this session to continue our deliberations on these various
5 sections of the Commission Draft, beginning with the
6 Section 4.05, and I will guarantee that we will proceed no
7 longer than quarter of 4 or 4 o'clock, so that those who are
8 going on the boat trip can get down to the boat.

9 THE PRESIDENT: Delegate Mudd?

10 DELEGATE MUDD: Mr. President, the Committee on
11 the Judicial Branch has changed its calendar slightly
12 to the extent that tomorrow morning at 10 o'clock, we will
13 hear from Judge Gede, to consider a matter now before the
14 Committee regarding court structure. Also at 4 p.m. to-
15 morrow afternoon, we will hear from Senator John J. Bishop
16 of Baltimore County. At 3 p.m., there will be hearings
17 before the Committee on the Judicial Branch on Delegate
18 Proposals 255 and 268, proposed by Delegate Finch, and
19 Delegate Finch is scheduled to be before our Committee at
20 that time in behalf of these proposals. Thank you.

21 THE PRESIDENT: Delegate Sherbow?

1 DELEGATE SHERBOW: Mr. President, the Committee
2 on State Finance and Taxation will meet tomorrow morning
3 jointly with the Committee on the Legislative Branch at
4 10 o'clock in the large Hearing Room on the ground floor
5 of the Shaw House. Tomorrow at 3 o'clock, or after this
6 session is over, we will meet on Delegate Finch's proposals
7 266, 270 and 325. On Thursday morning we will continue
8 hearings at 10 o'clock on a series of proposals, 102, 187
9 and 116.

10 THE PRESIDENT: Delegate Kiefer?

11 DELEGATE KIEFER: Mr. President, the Committee
12 on Personal Rights and The Preamble will hold another open
13 public hearing this evening at 8 o'clock in the basement
14 of the Shaw Building on Freedom of Religion. Tomorrow
15 there will be no hearings. We will start wrestling with
16 some of the problems we have been hearing about. Thursday
17 we begin hearings on Rights of Labor.

18 I might say, sir, that lightning has struck
19 twice on this Committee. The Committee extends birthday
20 greetings to Delegate Elsbeth Bothe and to the Committee's
21 Secretary, Anna Clemson. I don't know how old they are.
(Applause.)

1 THE PRESIDENT: Delegate Scanlan?

2 DELEGATE SCANLAN: Mr. President, the Committee
3 on Rules will meet tomorrow at 12 o'clock in the Shaw
4 house basement to finish its discussion of proposed amend-
5 ments to the rule on reconsideration, and certain other
6 technical changes in the Rules, including a proposal, amend-
7 ments to Committee recommendations, that they be printed,
8 with certain exceptions.

9 THE PRESIDENT: Delegate Gallagher?

10 DELEGATE GALLAGHER: Mr. President, the Committee
11 on the Legislative Branch will meet immediately after this
12 session to hear testimony from Delegate Grant, who will
13 not keep the Committee long because of the boat ride; and
14 as Delegate Sherbow has said, tomorrow morning at 10
15 o'clock we meet jointly.

16 THE PRESIDENT: Delegate Koss?

17 DELEGATE KOSS: Mr. President, the Committee on
18 Suffrage and Elections will meet tomorrow morning at 9:30,
19 and after the session, and will follow the same schedule
20 Thursday, to push forward on our consideration of a refer-
21 endum, and for those Committee members who were not able

1 to be present this morning, I would like to say that as the
2 need arises, we will be taking votes on substantive matters.
3 Thank you.

4 THE PRESIDENT: Delegate Dulany?

5 DELEGATE DULANY: Mr. President, the Committee on
6 Public Information will meet tomorrow at 1 o'clock p.m. in
7 Room H-18.

8 THE PRESIDENT: Delegate Boyer?

9 DELEGATE BOYER: Mr. President, out of deference
10 to the naval engagement, we will not meet, your Committee on
11 General Provisions will not meet this afternoon. We will
12 continue our deliberations tomorrow morning beginning at
13 9:30 to hear from the individual delegates on their pro-
14 posals, particularly on higher education, amendments to the
15 Constitution, oaths and militia and one or two other things.

16 I believe all the individual delegates have
17 invitations.

18 THE PRESIDENT: Delegate Moser?

19 DELEGATE MOSER: Mr. President, the Committee
20 on Local Government will meet fifteen minutes after this
21 session and adjourn in time for the boat ride and will meet

1 tomorrow at 9 a.m. The subjects will continue to be Units
2 of County Government and Municipal Corporations, Local
3 Legislation and Classification.

4 THE PRESIDENT: Any other announcements by Com-
5 mittee chairman? Any announcements by other delegates?

6 Any delegates present now not present at roll
7 call who desire to indicate their presence?

8 (There was no response.)

9 THE PRESIDENT: The Chair recognizes Delegate
10 Powers, Chairman of the Committee on Calendar and Agenda.

11 DELEGATE POWERS: Mr. President, I have another
12 birthday to announce; one of our very efficient pages,
13 Miss Susan Mester is celebrating her birthday today. It is
14 now quite clear that the pages proportionately are having
15 birthdays more frequently than the delegates. (Applause.)

16 I move we adjourn until 2 p.m. tomorrow.

17 THE PRESIDENT: All in favor, signify by saying
18 Aye; contrary, No. So ordered.

19 (Whereupon the meeting adjourned at 2:28 p.m.)
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CONSTITUTIONAL CONVENTION
OF THE
STATE OF MARYLAND

Chamber of the House of Delegates
State Capitol
Annapolis, Maryland
October 18, 1967 - 2:00 p.m.

HONORABLE H. VERNON ENEY,
PRESIDENT

Reported by:
C. J. Hunt

1 THE PRESIDENT: The Sergeant at Arms will clear
2 the aisles and close the door.

3 The Convention will please come to order.

4 The invocation today will be offered by the
5 Reverend William W. Beale of the United Methodist Church
6 at La Plata. Reverend Beale.

7 (Whereupon the invocation was offered by the
8 Reverend Beale.)

9 THE PRESIDENT: Thank you.

10 Roll call.

11 (Whereupon the roll call was taken.)

12 THE PRESIDENT: Have all delegates answered the
13 roll call? The Clerk will record the roll call.

14 There being a quorum present, the Convention is
15 in session.

16 The Chair recognizes Delegate Powers, Chairman
17 of the Committee on Calendar and Agenda.

18 DELEGATE POWERS: Mr. President, I move we
19 adopt today's calendar.

20 THE PRESIDENT: Is there a second?

21 (The motion was duly seconded.)

1 THE PRESIDENT: All in favor, signify by saying
2 Aye; contrary, No. The Ayes have it. The Calendar is
3 adopted.

4 The first item of business is the consideration
5 of the Tenth Report of the Committee on Rules, Credentials
6 and Convention Budget. This is a report with respect to
7 Resolution No. 13 offered by Delegate Malkus on October 5.
8 The Report is R and C 10. The Chair recognizes Delegate
9 Scanlan, Chairman of the Committee. Will you come forward,
10 please?

11 DELEGATE SCANLAN: Mr. President, fellow dele-
12 gates, I have the honor to present the Tenth Report of the
13 Committee on Rules, Credentials and Convention Budget.

14 The Report deals with Resolution No. 13. In the
15 event you don't have Resolution No. 13 before you, if you
16 have the Committee Report, it is set forth in the first
17 page of the Committee Report and,

18 RESOLVED: By the Constitutional Convention of
19 1967 that the President of the Convention is directed within
20 five days after the passage of this resolution to give to
21 each delegate in the Constitutional Convention of 1967 a

1 general summary of the report of the money spent and en-
2 cumbered to date by the Constitutional Convention; and,

3 BE IT FURTHER RESOLVED: That the President is
4 directed thereafter to submit to each member of the Con-
5 vention a similar report at approximately fifteen-day
6 intervals, and the final RESOLVED clause requests copies of
7 the resolution be sent to the President, Comptroller, et
8 cetera.

9 The Committee had a hearing on this resolution
10 on October 11, the same day they held a hearing on the
11 estimated budget, which the Committee had been furnished by
12 the President and the officers of the Convention.

13 During the course of this hearing, the President
14 of the Convention appeared along with a budget analyst and
15 the Secretary of the Convention, and in the course of his
16 testimony, he outlined in detail the items of the estimated
17 budget that had been prepared. That budget, adjusted, I be-
18 lieve to reflect a suggestion on the part of the Committee
19 on Rules, will be very shortly distributed to the delegates.

20 Secondly, in his testimony the President indicated
21 that the very type of report for which the resolution

1 called would be furnished the delegates and that prior to
2 his testimony before our Committee, he had arranged with the
3 appropriate officials in the Office of the Comptroller to
4 supply the periodic reports regarding the expenditures of
5 money on the part of the Convention.

6 Testimony was long and detailed, and the sponsor
7 of the resolution was present during most of that testimony.

8 After the testimony of the President, and on the
9 basis of his assurance that the information called for by
10 the resolution was to be provided, it was the view of the
11 Committee that really the purposes of the resolution had been
12 accomplished, and there were at least a number of us on
13 the Committee that felt that there was no further action
14 required on the part of the Committee or on the part of the
15 Convention, at least at this time. In other words, we thought
16 the matter was at least temporarily moot. Nevertheless,
17 the sponsor of the resolution pressed the Committee for a
18 vote on his resolution. There was, with one exception, the
19 sponsor himself, there was no sentiment for a favorable
20 report; and so we voted a non-favorable report, but I
21 think it fair to say that the unfavorable report was

1 primarily because most of us believed that the matters
2 dealt with in the resolution and the information that is
3 sought were already going to be provided, and therefore
4 there was no need for further action.

5 A number of us were concerned, and certainly
6 your Chairman was one, that by reporting out a resolution,
7 it was either premature or moot, or on which action was
8 unnecessary, at the time, there might be established some
9 precedent whereby all resolutions, no matter how premature,
10 no matter how moot, no matter how unnecessary, would have
11 to be reported out to the Convention to consume the valuable
12 time of the Convention in debate, and discussion, and deci-
13 sion.

14 At this point in time, I suppose we can afford
15 the luxury of debating matters that are moot or premature.
16 In fact, the day is fast pressing upon us when we will not
17 have this luxury, and to waste time in debate on matters
18 that are moot or premature would be a dangerous thing and
19 trespassing upon the valuable time of the Convention, which
20 could be better used in debating the great substantive
21 issues that soon will be reaching the Committee of the Whole.

1 So, the majority of the Committee report this
2 resolution unfavorably, but we do so exclusively on the
3 ground that we believe it is unnecessary to decide the
4 resolution at this time at least, since the information
5 which it seeks will be provided, if we can rely -- I believe
6 we can -- on the assurances of the President of the Conven-
7 tion.

8 THE PRESIDENT: Are there any questions of the
9 Chairman for purposes of clarification? Delegate Weide-
10 meyer?

11 DELEGATE WEIDEMEYER: Mr. President, in view
12 of the fact that the President is already furnishing this
13 information, in view of the fact that I think debate on
14 this matter is absolutely unnecessary, I move as a substi-
15 tute for the Committee Report that the matter be now tabled.

16 THE PRESIDENT: Can we suspend for just a moment
17 while I check something here?

18 Delegate Weidemeyer, I don't believe your motion
19 is in order at this moment. I haven't yet stated the
20 question, and we are now in the process of considering the
21 Committee's Report. At the proper time I will give you the

1 opportunity to renew your motion.

2 For what purpose does Delegate Malkus arise?

3 DELEGATE MALKUS: Mr. President, to speak on
4 the subject matter.

5 THE PRESIDENT: I will give you the opportunity
6 to speak on the motion as soon as we have finished the
7 present matter, which is interrogation of the Chairman of
8 the Committee for purposes of clarification.

9 DELEGATE MALKUS: The reason for which I arise --

10 THE PRESIDENT: I will give you the opportunity
11 to speak to the resolution.

12 DELEGATE MALKUS: -- is to forestall the second-
13 ing of the motion.

14 THE PRESIDENT: Delegate Malkus, please, sir,
15 I will give you the floor as soon as we have finished the
16 present matter.

17 DELEGATE MALKUS: You are most kind, sir.

18 THE PRESIDENT: Are there any questions of the
19 Chairman of the Committee for purposes of clarification?

20 (There was no response.)

21 THE PRESIDENT: If not, the question arises on the

1 adoption of Resolution No. 13, notwithstanding the unfavor-
2 able report of the Committee. The mover of the resolution,
3 I think, has the privilege of the floor. The Chair recog-
4 nizes Delegate Malkus.

5 DELEGATE MALKUS: Mr. President, may I --

6 THE PRESIDENT: Would you please use the micro-
7 phone?

8 DELEGATE MALKUS: I would like to use the podium,
9 if I may.

10 THE PRESIDENT: You may, sir.

11 DELEGATE MALKUS: Mr. President, ladies and
12 gentlemen: It gives me great pleasure to talk to this
13 Convention for the first time.

14 In so doing, I would like to make some remarks
15 concerning the report made by the Chairman of Rules,
16 Credentials and Budget. He is talking about using up this
17 Convention's valuable time. I would like to remind him
18 that he has had his share of using up this Convention's
19 valuable time explaining the obvious. He also talked,
20 Mr. President, that this little matter is being brought
21 before this Convention out of the graciousness of the

1 Committee, and as evidence that nothing will be bottled
2 up in committee.

3 This was on one day. On the next day we discussed
4 Senate Resolution No. 14, and before I talk about that, I
5 want to read unto you the law:

6 The Convention shall appoint an historian, whose
7 duties it shall be to collect, compile, document and pre-
8 serve all proceedings of the Convention and its several
9 Committees.

10 Now, Senate Resolution No. 14 does this, and
11 just ask our Honorable President to tell why the law has
12 not be complied with -- a progress report. There are
13 some of us, some of you that believe that we don't have to
14 comply with the law. I moved around the boat yesterday.
15 I found out this Constitutional Convention is in some cases
16 above the law. I am not one of those that share that
17 opinion; so in answer to the Chairman, he said that it is
18 evident that things are not going to be bottled up. He
19 personally, he personally, the first time in twenty-two
20 years I have ever seen a chairman do this, made a motion to
21 lay the matter on the table. The motion failed, I think,

1 a 3-to-3 or a 4-to-4 vote. The next day one of his close
2 colleagues accomplished the same purpose on a 6-to-4 vote.

3 So much about the Report, and the reason,
4 Mr. Chairman of the Rules, that I brought this matter into
5 this debate here today is because you brought it up to start
6 with.

7 Now, again, referring to the law, some of you
8 may have not read House Bill 28, which is now Chapter 4 of
9 the 1967 Laws:

10 The Convention may make such other expenditures --
11 I am reading now from Paragraph 11 -- as it deems proper to
12 carry out its work.

13 Now, listen to this -- but shall not authorize total
14 expenditures in excess of the amount appropriated by law for
15 its expenses.

16 Now, this portion of the law did not give me
17 too much concern until on the 15th day of September, three
18 days after we are in being, I find out that we are broke,
19 or about to go broke, and I for one do not want to be
20 accused of violating any portions of this law that give me
21 concern, and for that reason, I wanted to know what we are
talking about as far as money is concerned. The resolution

1 I introduced is very simple. There is no gingerbread in
2 it. I will read it to you:

3 RESOLVED: By the Constitutional Convention of
4 1967 that the President of the Convention is directed with-
5 in five days after the passage of this resolution to give
6 to each delegate in the Constitutional Convention of 1967
7 a general summary and report of the money spent and encumbered
8 to date by the Constitutional Convention.

9 Now, the President has asked the Comptroller's
10 Office to give a report of moneys spent, but that is not the
11 big point, ladies and gentlemen. We should also talk about
12 moneys encumbered.

13 Now, as I told you before, I am a member on the
14 Committee of Rules, Credentials and Budget. This Committee
15 has never considered a budget for this Convention until
16 September 26, which was some fourteen days after we were in
17 being, and after it had already been stated that we were
18 going to go broke. Is this the image that this Constitu-
19 tional Convention would create? I have heard from time
20 to time you have got to better the image of the General
21 Assembly. Mr. President, if we are going to act in this,

1 in my mind, irresponsible manner, our image at the end of
2 this time will be a whole lot worse than that of the
3 General Assembly. Again, Mr. Chairman, this is on the point:
4 I introduced a resolution about The Mighty Oak. That was
5 Resolution No. 5, and if you know by its low number, it
6 was early in the session. In that resolution I asked, among
7 other things, that we be given a transcript. I was satis-
8 fied when the Chairman of the Rules Committee stated,
9 after the President had made the announcement, that a bill
10 would be available. I had already seen it. And then the
11 Chairman of the Rules said, We will also have a transcript.

12 That has been some days back. I went to the
13 Secretary of the Convention today and asked him, When am I
14 going to get the transcript. He said, They are in the
15 process of typing it up.

16 I presume I will get it on January 13.

17 I am not going to take any more of this Conven-
18 tion's time. I have been here a long time, and I know when
19 I am beat; and I appreciate the Chair giving me this oppor-
20 tunity. I have a soft spot in my heart for him because of
21 that, because I like Vernon Eney, and I believe that he

1 likes me. He told me so last night, and I believe almost
2 anything he tells me.

3 So, Mr. President, ladies and gentlemen of this
4 Convention, I hope that you will look at this little
5 resolution, and I hope that you will want to know what is
6 going on. After the Convention is adjourned, and we have
7 spent more money than we are authorized by law; a taxpayer's
8 suit might be in order, and I don't want to be a defendant.
9 Thank you very much. Any questions?

10 THE PRESIDENT: Is there any further discussion?
11 Are you ready for the question? Delegate Weide-
12 meyer?

13 DELEGATE WEIDEMEYER: Mr. President, I made my
14 motion to table a little earlier. Because I felt that I
15 stood right in the middle of two good friends, and I knew
16 that -- and I knew that one had to win and the other had
17 to lose; and I thought we would arrive back at the same
18 position where fairness would be done, and we would all
19 understand the situation; so now that my motion was other-
20 wise premature, I would like to move to table the matter.

21 THE PRESIDENT: Is there a second?

1 DELEGATE CLARKE: Mr. President, I move --

2 THE PRESIDENT: Delegate Clarke, do you arise
3 to second?

4 DELEGATE CLARKE: No, I rose to oppose the
5 motion.

6 THE PRESIDENT: Is there a second to the motion?
7 The motion fails for lack of second. Delegate Clarke?

8 DELEGATE CLARKE: (No response.)

9 THE PRESIDENT: Any further discussion? Are
10 you ready for the question?

11 DELEGATE CLAGETT: Question.

12 THE PRESIDENT: The question arises on the
13 adoption of Resolution No. 13, notwithstanding the unfavor-
14 able report of the Committee. A vote Aye is a vote for
15 the adoption of the resolution. A vote No is a vote against
16 the adoption of the resolution. All in favor, please sig-
17 nify by saying Aye; contrary, No. The Noes seem to have it.

18 DELEGATE MALKUS: May we have a roll call?

19 THE PRESIDENT: Are you supported by ten second-
20 ers?

21 DELEGATE MALKUS: I don't know. I am standing

1 alone. Roll call is called for and seconded.

2 THE PRESIDENT: The question will be put to a
3 roll call vote. The question arises on the adoption of
4 Resolution No. 13. A vote Aye is a vote for the adoption
5 of the resolution; a vote No is a vote against the adoption
6 of the resolution. A roll call vote. Have all delegates
7 voted? Does any delegate desire to change his vote? The
8 Clerk will record the vote.

9 There being 31 votes in the affirmative and 91
10 in the negative, the motion is lost; and the resolution is
11 not adopted.

12 The next item of business is the introduction
13 and first reading of proposals.

14 Before we read the proposals, I call to your
15 attention that there is a memorandum accompanying Delegate
16 Proposal No. 228 by Delegate Finch, and a memorandum accom-
17 panying Delegate Proposal No. 318 by Delegate Finch, both
18 of which have, I understand, been circulated.

19 There are eight proposals today. Because of the
20 error in numbering yesterday's proposals, today's will be
21 Nos. 383 to 387 and Nos. 394 to 396, to avoid a gap in the

1 numbering of the proposals.

2 Delegate Proposal No. 383. The Clerk will read
3 the proposal.

4 MR. QUILLEN: Delegate Proposal No. 383, by
5 Delegate Gill, A proposal that the new Constitution provide
6 for a referendum in all counties affected by a boundary
7 change, to read as follows.

8 THE PRESIDENT: Delegate Proposal No. 383 is
9 referred to the Committee on Local Government.

10 Delegate Proposal No. 384. The Clerk will read
11 the proposal.

12 MR. QUILLEN: Delegate Proposal No. 384, by
13 Delegate Gill, A proposal that the State Finances Article
14 of the new Constitution shall provide as follows.

15 THE PRESIDENT: Delegate Proposal No. 384 is refer-
16 red to the Committee on State Finance and Taxation.

17 Delegate Proposal No. 385. The Clerk will read
18 the proposal.

19 MR. QUILLEN: Delegate Proposal No. 385, by Dele-
20 gate Hanson, A proposal to include in the Local Government
21 Article of the Constitution a section providing for a .

1 Commission on Intergovernmental Relations to read as fol-
2 lows.

3 THE PRESIDENT: Delegate Proposal No. 385 is
4 referred to the Committee on Local Government.

5 Delegate Proposal No. 386. The Clerk will read
6 the proposal.

7 MR. QUILLEN: Delegate Proposal No. 386, by
8 Delegate Grant, A proposal that the Constitution provide for
9 the removal of local elected officials (where otherwise
10 not provided for), for disability, incompetency or other
11 failure to carry out the duties of the office to which
12 elected, and for the selection of a person to fill the re-
13 mainder of the term of such office to read as follows.

14 THE PRESIDENT: Delegate Proposal No. 386 is re-
15 ferred to the Committee on Suffrage and Elections.

16 There is a memorandum by Delegate Grant to ac-
17 company Delegate Proposal No. 386.

18 Delegate Proposal No. 387. The Clerk will read
19 the proposal.

20 MR. QUILLEN: Delegate Proposal No. 387, by
21 Delegates Raley and Case, A proposal that Section 7.07. of

1 Article VII dealing with Local Government shall contain the
2 following provision concerning powers of counties, to read
3 as follows.

4 THE PRESIDENT: For what purpose does Delegate
5 B. Miller arise?

6 DELEGATE B. MILLER: Mr. Chairman, the footnotes
7 on 383 and 384 have been misplaced. They -- each one
8 should be on the other proposal.

9 THE PRESIDENT: I understand, Delegate Miller,
10 that the footnote on Delegate Proposal No. 318 states that
11 it amends Proposal 311; it should be on 383 -- I am sorry,
12 383 should be on 384.

13 DELEGATE B. MILLER: Yes.

14 THE PRESIDENT: And the footnote on 384 refer-
15 ring to Delegate Proposal 314 should be on 383?

16 DELEGATE B. MILLER: Yes, sir.

17 THE PRESIDENT: I think the simplest thing would
18 be to reprint and substitute and see that the pages
19 make the substitution tomorrow.

20 Delegate Proposal No. 387 is referred to the
21 Committee on State Finance and Taxation.

1 Delegate Proposal 394. The Clerk will read the
2 proposal.

3 MR. QUILLEN: Delegate Proposal No. 394, by
4 Delegates Fox, Adkins and Fornos, A proposal that Section
5 8.02 of Article VIII, dealing with tax and assessments,
6 provide for a mandatory subclassification for assessment
7 of land devoted to agriculture uses but allowing the Legis-
8 lature to define agricultural use to read as follows.

9 THE PRESIDENT: Delegate Proposal No. 394 is
10 referred to the Committee on State Finance and Taxation.

11 Delegate Proposal No. 395. The Clerk will read
12 the proposal.

13 MR. QUILLEN: Delegate Proposal No. 395, by
14 Delegate Schloeder, A proposal that the Declaration of
15 Rights shall contain the following provision concerning the
16 freedom of the right to teach, and matters generally relat-
17 ing thereto, to read as follows.

18 THE PRESIDENT: Delegate Proposal No. 395 is refer-
19 red to the Committee on Personal Rights and The Preamble.

20 Delegate Proposal No. 396. The Clerk will read
21 the proposal.

1 MR. QUILLEN: Delegate Proposal No. 396, by
2 Delegate Grant, A proposal that the Constitution contain a
3 provision for the exercise of a limited franchise by per-
4 sons otherwise not qualified to vote to read as follows.

5 THE PRESIDENT: Delegate Proposal No. 396 is re-
6 ferred to the Committee on Suffrage and Elections.

7 There is a memorandum by Delegate Grant with
8 Delegate Proposal 393.

9 The next item on the Calendar are motions and
10 resolutions; Motion No. 4. The Clerk will read the motion.

11 MR. QUILLEN: Motion No. 4, by Delegate Chabot,
12 A motion to amend Rule 27 of the Standing Rules
13 of the Constitutional Convention in order that the require-
14 ments of said Rule shall not be applicable after October
15 30, 1967.

16 THE PRESIDENT: Motion No. 4 is referred to the
17 Committee on Rules, Credentials and Convention Budget.

18 Are there any other motions or resolutions?

19 (There was no response.)

20 THE PRESIDENT: Delegate Marion?

21 DELEGATE MARION: I may have missed it as you

1 went by, but I have on my desk Delegate Proposal 383. Was
2 that introduced yesterday and just reached our desks today,
3 or was it omitted?

4 THE PRESIDENT: Delegate Proposal No. 383 was
5 introduced yesterday; 388 to 393 were introduced and were
6 out of order numerically so that the proposals today are
7 383 to 387 inclusive, and 394 to 396 inclusive; 388 to 393
8 inclusive, were yesterday.

9 Any motions or resolutions?

10 (There was no response.)

11 THE PRESIDENT: I have just a very few announce-
12 ments to make.

13 Delegate L. Taylor has requested me to call to
14 your attention the typographical error in the memorandum
15 which he filed, I think yesterday, with accompanying Dele-
16 gate Proposal No. 393. On Page 6, in the next to the last
17 paragraph, this is six lines from the bottom of the page,
18 the word than, t-h-a-n, should^{be} / t-h-a-t.

19 I also want to announce that in anticipation of
20 the same problem that is referred to in Motion No. 4 just
21 offered by Delegate Chabot, the Chairmen of the various

1 Committees have been requested to extend to Monday, October
2 30, the time limitation date, Friday, October 27, so that I
3 think all of the chairmen have agreed to do this, which means
4 that whether or not there is a change in the Rule, for all
5 effective purposes, the provisions of the Rule requiring
6 notice to delegates of hearings on proposals offered by
7 them will be accorded until at least October 30. As you all
8 understand, the chairmen have the privilege, of course, of
9 notifying the delegates, even after that date, and I under-
10 stand they will do so to the greatest extent possible.

11 One other comment, or announcement I wish to
12 make, prompted by Delegate Malkus's statement concerning
13 the transcript on the film, The Mighty Oak. I think, as
14 the Convention realizes, the film, The Mighty Oak, was
15 not prepared by the Convention or its staff. The staff
16 does not have possession of the transcript. It has re-
17 ceived the film, which is, as I think all delegates know,
18 available for viewing at any time.

19 We requested from the University of Maryland
20 extension service on the transcript so that this could be
21 reproduced and made available for you. We are advised that

1 the transcript was locked in the office of the person who
2 prepared it in Virginia, that he was away on a ten-day
3 vacation. As soon as he returns, the transcript is to be
4 sent to us, and it will be reproduced for the delegates.

5 Are there any announcements by committee chair-
6 men? Delegate Koss?

7 DELEGATE KOSS: Mr. President, the Committee on
8 Suffrage and Elections will meet again fifteen minutes
9 after the adjournment of this afternoon's Plenary Session
10 and again tomorrow morning at 9:30.

11 THE PRESIDENT: Delegate Gallagher?

12 DELEGATE GALLAGHER: Mr. President, the Com-
13 mittee on the Legislative Branch will meet immediately
14 after the session to hear testimony from Senator Blair
15 Lee, and tomorrow morning beginning at 9:30 will hear a
16 series of witnesses.

17 THE PRESIDENT: Delegate Dulany?

18 DELEGATE DULANY: Mr. President, the Committee
19 on Public Information wishes to announce that Frank C.
20 Robey was elected Vice-chairman.

21 THE PRESIDENT: Thank you. Any other announce-

1 ments? Delegate Mudd?

2 DELEGATE MUDD: Mr. President, the Committee on
3 the Judicial Branch will reconvene fifteen minutes after
4 this session concludes, and at 3:30 today we will hear from
5 Delegate Finch regarding his Proposals 255 and 268. We
6 will meet again tomorrow morning, beginning at 10 a.m.,
7 at which time we will hear from Delegate Bennett on his
8 Proposal No. 381, and at 11 o'clock, we will hear from
9 representatives of the Baltimore County Bar Association.
10 We are continuing our deliberations and discussions on the
11 matter of court structure and hopefully will reach some
12 tentative decisions in that regard, at least by the end of
13 business tomorrow. Thank you.

14 THE PRESIDENT: Delegate Sherbow?

15 DELEGATE SHERBOW: Mr. President, the Committee
16 on State Finance and Taxation will meet fifteen minutes
17 after the close of this session for further discussions of
18 pending proposals. We will meet again tomorrow morning
19 at 10 o'clock. Those who have proposed certain matters
20 have been invited to attend. We hope that they will be
21 there so that we may continue the discussions on those

1 proposals and proceed to some voting on them.

2 THE PRESIDENT: Delegate Kiefer?

3 DELEGATE KIEFER: Mr. President, the Committee
4 on Personal Rights and The Preamble will meet immediately
5 after this meeting to consider further matters that we have
6 been discussing. Tomorrow morning is Labor Day for the
7 Committee. Hearings will be held in the Senate Chamber,
8 starting at 10 o'clock promptly on those proposals relating
9 to rights to work, rights of labor, et cetera. Anybody
10 who would like to come is invited.

11 THE PRESIDENT: Delegate Moser?

12 DELEGATE MOSER: Mr. President, the Committee
13 on Local Government will reconvene fifteen minutes after
14 the session. The subject of our deliberations and discus-
15 sions continues to be units of County government and
16 municipalities, and hopefully we will continue on to the
17 subject of limitations on local legislation later in the
18 afternoon, and when we convene tomorrow morning at 10 a.m.

19 THE PRESIDENT: Delegate Morgan?

20 DELEGATE MORGAN: Mr. President, as I announced
21 yesterday, the Committee on the Executive Branch last week

1 determined to use the Commission Draft as a basis of its
2 consideration of the various, all of the various issues
3 before the Committee. The Committee will meet this after-
4 noon right after this session, and we will consider Sec-
5 tion 4.05, 4.12, 4.13, 4.23 and 4.24 of the Commission
6 Draft.

7 There are several matters before our Committee
8 which are presently in subcommittee, and the Committee is
9 awaiting for the subcommittees to report. I am hopeful that
10 tomorrow morning the Committee will have one or two re-
11 ports from the subcommittees, but if it does not, I am
12 hopeful that the Committee can take up the question of the
13 State's Attorneys.

14 THE PRESIDENT: Any further announcements by
15 committee chairmen? Delegate Scanlan?

16 DELEGATE SCANLAN: Mr. President, the Rules
17 Committee will meet tomorrow at 12 noon to conclude our
18 discussion, in an attempt to reach agreement on a proposed
19 rule regarding the requirement that amendments to committee
20 recommendations be printed and distributed to the delegates
21 when the debates in the Committee of the Whole are reached.

1 This is a matter of some importance and any delegate who
2 is interested is invited to attend.

3 THE PRESIDENT: Delegate Boyer?

4 DELEGATE BOYER: Mr. President, your Committee
5 on General Provisions is sailing along very smoothly in
6 the sea of hearing individual delegate proposals. I would
7 only respectfully request that those delegates who have
8 proposals before referred to our Committee try to arrange
9 their schedules to appear before us as proponents of your
10 proposals with deliberate speed, because in between times
11 we are trying to sandwich in discussions on several other
12 items before us.

13 We will continue after today, and probably on into
14 tonight as long as necessary to accommodate those delegates
15 who may wish to be heard, but I would respectfully again
16 request you to try to arrange your schedules to come
17 before us as soon as possible so that we can get on with
18 the show. Thank you.

19 THE PRESIDENT: Any further announcements?
20 Delegate Penniman?

21 DELEGATE PENNIMAN: Mr. President, the Committee

1 on Style will meet fifteen minutes after the close of this
2 session.

3 THE PRESIDENT: Any further announcements by
4 committee chairmen?

5 Delegate Chabot?

6 DELEGATE CHABOT: Mr. President, in view of the
7 comments by the Chair with regard to the subject matter
8 of Motion No. 4, I request permission to withdraw the
9 motion.

10 THE PRESIDENT: In the absence of objection, the
11 motion will be considered as withdrawn. Is there any
12 objection?

13 (There was no response.)

14 THE PRESIDENT: If not, it will be considered
15 as withdrawn.

16 Delegate Finch?

17 DELEGATE FINCH: Mr. President, I wish to note
18 my presence.

19 THE PRESIDENT: Are there any other delegates not
20 present at roll call who desire to note their presence?

21 (There was no response.)

1 THE PRESIDENT: Delegate Rybczynski?

2 DELEGATE RYBCZYNSKI: Mr. President, all City
3 delegates are reminded that we have been invited to meet
4 with Mr. Marbury and his staff tomorrow at noon over at
5 213 Duke of Gloucester Street.

6 THE PRESIDENT: Delegate Boileau?

7 DELEGATE BOILEAU: Mr. President, I think it
8 would be appropriate if the Convention would offer an
9 expression of its thanks for the very enjoyable evening we
10 had on the Bay last night, and to the Entertainment Com-
11 mittee who so arranged it. I so move.

12 THE PRESIDENT: Is there a second?

13 (The motion was duly seconded.)

14 THE PRESIDENT: All in favor, signify by applause.
15 (Applause.)

16 I thank the Chairman and each of the members of
17 that Committee for a very enjoyable evening.

18 Any further announcements. Any other delegates
19 present now not present at roll call who desire to indicate
20 their presence?

21 (There was no response.)

1 THE PRESIDENT: The Chair recognizes Delegate
2 Powers, Chairman of the Committee on Calendar and Agenda.

3 DELEGATE POWERS: Mr. President, I move we ad-
4 journ until 2 p.m. tomorrow.

5 THE PRESIDENT: All in favor, signify by saying
6 Aye; contrary, No. The Ayes have it. It is so ordered.

7 (Whereupon the meeting adjourned at 2:50 p.m.)
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Wendell R. Johnson
University of Wisconsin
Madison, WI

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CONSTITUTIONAL CONVENTION
OF THE
STATE OF MARYLAND

Chamber of the House of Delegates
State Capitol
Annapolis, Maryland
October 19, 1967 - 2:00 p.m.

HONORABLE H. VERNON ENEY,
PRESIDENT

Reported by:
C. J. Hunt

1 THE PRESIDENT: The Sergeant at Arms will clear
2 the aisles and close the doors.

3 The Convention will please come to order.

4 The invocation today will be offered by the
5 Reverend Edward Reter, Howard Park Methodist Church in
6 Baltimore City. Reverend Reter.

7 (Whereupon the invocation was offered by the
8 Reverend Reter.)

9 THE PRESIDENT: Roll call.

10 (Whereupon the roll call was taken.)

11 THE PRESIDENT: Have all delegates answered
12 roll call? The Clerk will record the roll call.

13 There being a quorum present, the Convention
14 is in session.

15 The Chair recognizes Delegate Powers, Chairman
16 of the Committee on Calendar and Agenda.

17 DELEGATE POWERS: Mr. President, I move we
18 adopt today's Calendar and Agenda.

19 THE PRESIDENT: Is there a second?

20 (The motion was duly seconded.)

21 THE PRESIDENT: Any discussion? All in favor,

1 signify by saying Aye; contrary, No. The Ayes have it. So
2 ordered. The Calendar is adopted.

3 Are there any reports of standing committees?
4 If not, we will move to the introduction and first reading
5 of proposals. You should have on your desks six memoranda
6 by Delegate Finch, accompanying Delegate Proposals Nos.
7 185, 206, 256, 266, 272, 306.

8 Delegate Proposal No. 397. The Clerk will read
9 the proposal.

10 MR. QUILLEN: Delegate Proposal No. 397, by
11 Delegates Gullett and Freedlander, A proposal that Section
12 7.07 of Article VII of the Constitution, dealing with Local
13 Government, shall provide for the powers of the counties,
14 election of members of the county legislative branch, and
15 matters generally relating thereto, to read as follows.

16 THE PRESIDENT: Delegate Proposal No. 397 is re-
17 ferred to the Committee on Local Government.

18 Delegate Proposal No. 398. The Clerk will read
19 the proposal.

20 MR. QUILLEN: Delegate Proposal No. 398, by
21 Delegate L. Taylor, A proposal that the Constitution provide

1 that the State shall conduct an extensive survey every five
2 years to determine the supply, demand, and maximum economical
3 utilization of resources of every nature, kind, and descrip-
4 tion which would be available to meet the needs of the
5 State, its citizens, and major private enterprises.

6 THE PRESIDENT: Delegate Proposal No. 398 is re-
7 ferred to the Committee on General Provisions.

8 Delegate Proposal No. 399. The Clerk will read
9 the proposal.

10 MR. QUILLEN: Delegate Proposal No. 399, by
11 Delegates Wagandt, Marion and Sollins, A proposal that
12 Article VII of the Constitution, dealing with Local Govern-
13 ment, include a provision concerning the division of coun-
14 ties into districts for the election of members of the
15 legislative branch of the county, and matters generally
16 related thereto.

17 THE PRESIDENT: Delegate Proposal No. 399 i e-
18 ferred to the Committee on Local Government.

19 Are there any motions or resolutions?

20 (There was no response.)

21 THE PRESIDENT: If not, we will move to announce-

1 ments.

2 I have only one announcement. I am handing to the
3 Clerk a memorandum of the absences during the past two pay
4 periods that I have excused. The list is long, because
5 most of them are absences due to Rosh Hoshanna. I don't think
6 it is necessary for the Clerk to read it. Anyone desiring
7 can
to/examine it at the Journal Clerk's desk.

8 It is available for the Press there also. Any-
9 one not on the list who was absent during this pay period,
10 absence is not excused. I think there are only three
11 such.

12 Are there any announcements by committee chairmen?
13 Delegate Kiefer?

14 DELEGATE KIEFER: Mr. President, the Committee
15 on Personal Rights and The Preamble has this morning con-
16 sidered the questions of rights of labor. The hearing has
17 not been concluded. We have secured the use of the
18 Senate Chamber again this afternoon, and I would ask the
19 Committee and all of those persons who wish to appear to
20 assemble at the Senate Chamber as soon as possible after
21 this meeting.

1 THE PRESIDENT: Delegate Mudd?

2 DELEGATE MUDD: Mr. President, the Committee on
3 the Judicial Branch this morning heard from Delegate Ben-
4 nett in response to Delegate Proposal 381 referred to our
5 Committee, and we also had extensive testimony from members
6 of the Baltimore County Bar Association. This Committee
7 has now concluded its hearing of witnesses and has also
8 heard from the sponsors of every delegate proposal referred
9 to the Committee on the Judicial Branch.

10 Immediately following this session we will re-
11 sume our consideration of court structure, particularly the
12 phase thereof encompassing jurisdiction of the court's
13 system; the further provisions of the proposed draft will
14 be continued under discussion tomorrow morning. Thank you.

15 THE PRESIDENT: Delegate Sherbow?

16 DELEGATE SHERBOW: Mr. President, the Committee
17 on State Finance and Taxation heard from a number of
18 witnesses this morning on proposals still pending. We
19 going to act on these proposals, and we will meet again as
20 soon as this session is over. We will meet tomorrow morn-
21 ing at 10 o'clock to continue the debate and the discussion



1 on these pending issues.

2 THE PRESIDENT: Delegate Morgan?

3 DELEGATE MORGAN: Mr. President, the Committee
4 on the Executive Branch this morning decided all of the
5 various issues relating to the office of State's Attorney.
6 This afternoon we will take up all of the various and sun-
7 dry offices, the office of State Librarian, the office of
8 Commissioner of the Land Office, the Surveyor, et cetera.

9 THE PRESIDENT: Delegate Moser?

10 DELEGATE MOSER: Mr. President, the Committee on
11 Local Government will reconvene fifteen minutes after this
12 session to continue its discussion on limitations on local
13 legislation.

14 The Committee will meet tomorrow morning at 9 a.m.
15 to hear from the Honorable C. B. Morton, Congressman of
16 this State, and at 11:30 a.m., we will afford the pro-
17 ponents of Delegate Proposals 374, 375, 383 and 288 the
18 opportunity to present their views on these proposals to the
19 Committee.

20 These are on miscellaneous matters which haven't
21 been dealt with by the Committee before.

1 THE PRESIDENT: Any further announcements by
2 committee chairmen? Delegate Koss?

3 DELEGATE KOSS: Mr. President, the Committee on
4 Suffrage and Elections will meet fifteen minutes after the
5 adjournment of this afternoon's session and again tomorrow
6 morning, continuing our consideration of referendum and on
7 qualifications for voting other than age.

8 THE PRESIDENT: Delegate Gallagher?

9 DELEGATE GALLAGHER: Mr. President, the Committee
10 on the Legislative Branch will meet fifteen minutes after
11 the end of the session and again tomorrow morning at 9:30;
12 also this evening at 7:45.

13 THE PRESIDENT: Delegate Dulany?

14 DELEGATE DULANY: Mr. President, the Committee
15 on Public Information will meet tomorrow morning at 9 o'clock.

16 THE PRESIDENT: Delegate Boyer?

17 DELEGATE BOYER: Mr. President, your Committee
18 on General Provisions is progressing very smoothly on hear-
19 ing from individual delegates on the proposals referred
20 to our Committee. We will continue this this afternoon,
21 and as late tonight as necessary to hear from each of you

1 who may want to appear.

2 Tomorrow morning we have scheduled Judge Wilson &
3 Barnes, who will speak to the Committee at 10 o'clock on
4 some matters of interest. Thank you.

5 THE PRESIDENT: Delegate Penniman?

6 DELEGATE PENNIMAN: Mr. President, the Committee
7 on Style will meet fifteen minutes after the close of this
8 session.

9 THE PRESIDENT: Any further announcements by
10 committee chairmen?

11 (There was no response.)

12 THE PRESIDENT: Delegate Pullen?

13 DELEGATE PULLEN: Mr. President, out of my deep
14 reverence for the protection of our heritage, we being a
15 free people and being a teacher, I am compelled to call
16 attention of our colleagues to the importance of October 19.
17 In the little hamlet of Yorktown, Virginia, where my
18 father preached slightly more than fifty years ago, and
19 where I as a boy used to swim in the waters of the York,
20 on December 19, 1781, Charles Lord Cornwallis surrendered
21 to George Washington, who shortly thereafter came to this

1 building, surrendered his commission to enter civilian
2 life, and then later proceeded to be President of the
3 Constitutional Convention, and in this very building, the
4 first call of that Convention took place. Sir, I would
5 like to say that this is a sacred day, and this House a
6 holy place.

7 THE PRESIDENT: Thank you, Dr. Pullen.

8 Any other announcements?

9 (There was no response.)

10 THE PRESIDENT: Any delegates present now who were
11 not present at roll call who desire to indicate their
12 presence? Delegate Miller, Beatrice Miller?

13 DELEGATE B. MILLER: I wish to indicate my
14 presence.

15 THE PRESIDENT: Any other delegates present now
16 who were not present at roll call?

17 (There was no response.)

18 THE PRESIDENT: The Chair recognizes Delegate
19 Powers, Chairman of the Committee on Calendar and Agenda.

20 DELEGATE POWERS: Mr. President, I move we ad-
21 journ until 2 p.m. tomorrow.

1 THE PRESIDENT: All in favor, signify by saying
2 Aye; contrary, No. The Ayes have it. It is so ordered.

3 (Whereupon the meeting adjourned at 2:15. p.m.)
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3 CONSTITUTIONAL CONVENTION
4 OF THE
5 STATE OF MARYLAND
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10 Chamber of the House of Delegates
11 State Capitol
12 Annapolis, Maryland
13 October 20, 1967 - 2:00 p.m.
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17 HONORABLE H. VERNON ENEY,
18 PRESIDENT
19

20 Reported by:
21 C. J. Hunt

1 THE PRESIDENT: The Sergeant at Arms will clear
2 the aisles and close the door.

3 The Convention will please come to order.

4 The invocation today will be offered by the
5 Reverend Lyle B. Buck of the First Presbyterian Church of
6 Howard County in Ellicott City. Reverend Buck.

7 (Whereupon the invocation was offered by the
8 Reverend Buck.)

9 THE PRESIDENT: Roll call.

10 (Whereupon the roll call was taken.)

11 THE PRESIDENT: Have all delegates answered the
12 roll call? The Clerk will record the roll call.

13 There being a quorum present, the Convention is
14 in session.

15 The Chair recognizes Delegate Powers, Chairman
16 of the Committee on Calendar and Agenda.

17 DELEGATE POWERS: Mr. President, I move we
18 adopt today's calendar.

19 THE PRESIDENT: Is there a second?

20 (The motion was duly seconded.)

21 THE PRESIDENT: Any discussion? All in favor,

1 signify by saying Aye; contrary, No. The Ayes have it.

2 The motion is carried. The Calendar is adopted.

3 Are there any reports of standing committees?

4 (There was no response.)

5 If not, the first item on the Calendar is the
6 introduction and first reading of proposals.

7 Before doing that, I want to call to your atten-
8 tion a memorandum accompanying Delegate Proposal No. 222,
9 by Delegate Finch, summary memorandum accompanying Delegate
10 Proposal No. 255, also by Delegate Finch.

11 At my request, the Committee on State Finance
12 has returned to me Delegate Proposal No. 387, which was
13 inadvertently referred to that Committee. I refer that
14 to the Committee on Local Government. Will you please mark
15 your copy, Delegate Proposal 387, now referred to the
16 Committee on Local Government.

17 Delegate Proposal No. 400. The Clerk will read
18 the proposal.

19 MR. QUILLEN: Delegate Proposal No. 400, by
20 Delegate Grumbacher, A proposal that the second sentence of
21 Section 3.13 of Article III, dealing with the Legislative

1 branch, include a provision concerning the election of
2 officers and committee chairman, rules of procedure, and
3 matters generally relating thereto, to read as follows.

4 THE PRESIDENT: Delegate Proposal No. 400 is re-
5 ferred to the Committee on the Legislative Branch.

6 That is the only delegate proposal today.
7 (Applause.)

8 I have only one announcement, this in effect is a
9 request from my secretary. Each pay period before the end
10 of the period she sends a written memorandum to delegates
11 who have been absent from any of the sessions, requesting
12 them to indicate on the memorandum whether there is a rea-
13 son for the absence. In absences where the delegate has
14 no reason he desires to give as an excuse, they have not
15 been returning the memorandum. I would appreciate it if
16 you do so because otherwise my secretary is uncertain as to
17 whether she perhaps has not received an excuse which you have
18 sent or mislaid the excuse.

19 Any announcements by committee chairmen? Delegate
20 Kiefer?

21 DELEGATE KIEFER: Mr. Chairman, the Committee

1 on Personal Rights and Preamble yesterday heard testimony
2 from a number of people concerning rights of labor. We
3 did not hear fully from the three or four delegates who
4 have submitted proposals, that is, Proposal No. 34, which
5 was submitted by Delegates Murphy, Vecera and Harris, were
6 promised an opportunity to appear before our Committee to dis-
7 cuss further if they wanted to do so, and also Delegate
8 Miller, in connection with Proposal 121.

9 Monday at 2 o'clock the Committee will consider
10 any further remarks or arguments or statements that any
11 of these four delegates would like to make on behalf of
12 their proposals. Thereafter, the Committee proposes to
13 debate this issue and to make a decision as to what part
14 these bills or any similar actions with regard to the rights
15 of labor should be included in the Constitution; that is,
16 in the Bill of Rights.

17 Also on Monday, when we conclude that, either
18 after the Convention adjourns for the day or that evening,
19 we hope to get to the subject of Freedom of Religion, which
20 is covered in Section 1.03 of the Draft. Hopefully, we
21 will have some action on that.

1 In addition to this, there are a number of pro-
2 posals which have been referred to the Committee on Per-
3 sonal Rights and Preamble which the Committee may find
4 belong in the Legislature rather than the Convention, the
5 Constitutional Convention. Hopefully, we will be able to
6 weed out some of these and recommend to the President that
7 they be referred to the Legislature for further action which
8 the Legislature might want to take. I believe there is a
9 resolution to that effect somewhere in the works. We be-
10 lieve we will have some that we can at least say are not
11 matters for this Convention.

12 THE PRESIDENT: Delegate Mudd?

13 DELEGATE MUDD: Mr. President, the Committee on
14 the Judicial Branch has now concluded all hearings, includ-
15 ing the opportunity for delegates to appear before our
16 Committee on all proposals referred to this Committee.

17 We are now considering and debating the last
18 phase of the four-tier county system, presently consider-
19 ing conformation and jurisdiction of that four-tier system.
20 We will convene fifteen minutes after adjournment of this
21 session to resume our discussion of that matter.

1 I have been informed already by a majority of my
2 Committee that depending upon what is accomplished this
3 evening, I will then be instructed whether to call the Com-
4 mittee together again tomorrow or early Monday morning.

5 THE PRESIDENT: Delegate Moser?

6 DELEGATE MOSER: Mr. President, the Committee on
7 Local Government will meet again at 12:30 on Monday. The
8 subject for deliberation at that time will be multi-county
9 units of government, county boundaries, and we will return
10 once again to municipalities and their interrelationship
11 with municipalities to counties and to the State.

12 THE PRESIDENT: Delegate Morgan?

13 DELEGATE MORGAN: Mr. President, the Committee
14 on the Executive Branch will meet immediately after the
15 session on Monday to consider and dispose of the issue of
16 the Governor's appointive power, the reorganization authority
17 and the veto power of the Governor.

18 Beginning on Tuesday morning at 9:30, we will
19 dispose of some of the big issues before our Committee,
20 namely, whether we shall have an appointive or elected
21 Attorney General, whether the Comptroller shall be appointed

1 or elected, whether the Board of Public Works shall be con-
2 tinued as a constitutional office, and what to do about the
3 State Treasurer.

4 THE PRESIDENT: Delegate Penniman?

5 DELEGATE PENNIMAN: Mr. President, the Committee
6 on Style will meet at 2 o'clock on Monday.

7 THE PRESIDENT: Delegate Koss?

8 DELEGATE KOSS: Mr. President, the Committee on
9 Suffrage and Elections will meet at 11:30 on Monday.

10 THE PRESIDENT: Delegate Gallagher?

11 DELEGATE GALLAGHER: Mr. President, the Committee
12 on the Legislative Branch will meet at 2 p.m. on Monday
13 afternoon, and night meetings next week will be on Tuesday
14 and Thursday evenings at 7:45.

15 THE PRESIDENT: Any other announcements by com-
16 mittee chairmen? Delegate Boyer?

17 DELEGATE BOYER: Mr. President, your Committee
18 on General Provisions has virtually completed hearings on all
19 matters referred to us; beginning the first part of the week
20 we will commence deliberations and discussions so that we
21 can hopefully report out to the Convention our first

1 recommendation the latter part of next week. Thank you,
2 sir.

3 THE PRESIDENT: Delegate Sherbow?

4 DELEGATE SHERBOW: Mr. President, the Committee
5 on State Finance and Taxation has practically concluded the
6 hearings on the various proposals, and we are debating
7 those that are now before us. We will continue doing so un-
8 til we make our reports to the Convention.

9 THE PRESIDENT: Delegate Scanlan?

10 DELEGATE SCANLAN: Mr. President, the Rules
11 Committee will meet at 3 o'clock on Monday.

12 THE PRESIDENT: Any other announcements by com-
13 mittee chairmen?

14 Any other announcements?

15 (There was no response.)

16 THE PRESIDENT: Any delegates present now who
17 were not present at roll call who desire to indicate their
18 presence?

19 DELEGATE LINTON: Mr. President, I would like to
20 record my presence.

21 THE PRESIDENT: Any other delegates present now

1 who desire to, who were absent during roll call, who desire
2 to record their presence now? If not, the Chair recognizes
3 Delegate Powers, Chairman of the Committee on Calendar and
4 Agenda.

5 DELEGATE POWERS: Mr. President, I am happy to
6 announce that on Sunday Delegate Marvin I. Singer will be
7 celebrating a birthday. I am told he will then be a very
8 old thirty-five. I move we adjourn until 4 p.m. Monday.

9 THE PRESIDENT: All in favor, signify by saying
10 Aye; contrary, No. So ordered.

11 (Whereupon the meeting adjourned at 2:17 p.m.)

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3 CONSTITUTIONAL CONVENTION

4 OF THE

5 STATE OF MARYLAND
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10 Chamber of the House of Delegates

11 State Capitol

12 Annapolis, Maryland

13 October 23, 1967 - 4 p.m.
14

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17 HONORABLE H. VERNON ENEY,
18 PRESIDENT
19

20 Reported by:
21 W. P. Banister

1 THE PRESIDENT: The Convention will please
2 come to order.

3 The invocation today will be offered by the
4 Reverend John W. Holland of the Full Gospel Baptist
5 Church at Cooksville, Howard County, Maryland. Reverend
6 Holland.

7 (Whereupon the invocation was offered by
8 Reverend Holland.)

9 THE PRESIDENT: Roll call.

10 (Whereupon a roll call was taken.)

11 THE PRESIDENT: Have all delegates answered
12 the roll call? The Clerk will record the roll call.
13 There being a quorum present, the Convention is in session.

14 The Chair recognizes Delegate Powers, Chairman
15 of the Committee on Calendar and Agenda.

16 DELEGATE POWERS: Mr. President, I move the
17 adoption of today's calendar.

18 (The motion was duly seconded.)

19 THE PRESIDENT: All in favor, signify by
20 saying Aye; contrary, No. Motion carried.

21 Reports of other standing committees. There

1 is a report from the Committee on Rules, Credentials and
2 Convention Budget. The Clerk will read the report.

3 MR. QUILLEN: Committee Report No. R&C-11 by
4 the Committee on Rules, Credentials and Convention Budget.
5 Report regarding the Convention budget.

6 THE PRESIDENT: This report is referred to the
7 Committee on Calendar and Agenda. It is being duplicated,
8 should be here at any moment. It should be here before
9 the Convention adjourns. If not, it will be on your
10 desk in the committee rooms first thing tomorrow morning.
11 Are there any other reports of standing committees? I
12 understand the report is being distributed now. No other
13 committee reports.

14 Next item is introduction and first reading of
15 proposals. Before we come to that I call your attention
16 to the fact that there has been distributed today a
17 memorandum to accompany Delegate Proposal No. 250,
18 memorandum by Delegate Bard. The record of today equals
19 that of last Friday. There is just one delegate proposal
20 offered today, Delegate Proposal No. 401.

21 MR. QUILLEN: Delegate Proposal No. 401, by.

1 Delegates Gallagher, Scanlan, and Bard. A proposal that
2 Section 1.03 of Article I of the Constitution, dealing
3 with the Declaration of Rights, shall include a provision
4 to guarantee the free exercise of religion, to read as
5 follows:

6 THE PRESIDENT: Delegate Proposal No. 401 is
7 referred to the Committee on Personal Rights and the
8 Preamble.

9 Are there any motions or resolutions? If not,
10 we move on to announcements. I have just a very few.
11 I want to call to your attention the fact that under
12 the announcement made last Thursday, I think it was,
13 the time within which proposals must be filed in order
14 to guarantee to the delegate an opportunity to be heard
15 by the committee expires one week from today. I gather
16 that from the way the proposals have dwindled off in the
17 past few days that all delegates have just about filed
18 or introduced all proposals they desire to introduce.
19 But if you have in mind one more that you want to intro-
20 duce, may I urge you to do so within the next day or two.

21 The film, "The Mighty Oak," is going to be

1 shown to the Committee on General Provisions 15 minutes
2 after adjournment of this session in room S-9, in the
3 basement of the Court of Appeals Building. It will be
4 shown for any who care to see it at the same time each
5 day this week other than Friday. In other words, tomorrow,
6 Wednesday, and Thursday, 15 minutes after the adjournment
7 of the session the film will be shown in room S-9 of the
8 Court of Appeals Building in the basement.

9 The delegates other than those on the
10 Committee on General Provisions are free to attend the
11 session this afternoon, the only limitation being the
12 size of the room which will not hold a great many more
13 than the number on that committee.

14 The script of this film was received today.
15 It is being duplicated and should be finished tomorrow
16 and if so, will be placed on your desks in the chamber.

17 The bouquet on the rostrum today is here
18 again through the courtesy of Delegate Dorothy Scott
19 Murray. Thank her very much. (Applause.)

20 Any announcements by committee chairmen?
21 Delegate Kiefer.

1 DELEGATE KIEFER: Mr. President, the Committee
2 on Personal Rights and the Preamble have been discussing
3 labor rights this afternoon. We will proceed this after-
4 noon after this meeting to continue discussion on other
5 areas and this evening hopefully to get to the subject
6 of freedom of religion as announced.

7 Tomorrow we will have a hearing promptly at
8 10 o'clock on immunity in government to charitable
9 institutions and thereafter continue our discussion.

10 THE PRESIDENT: Delegate Sherbow.

11 DELEGATE SHERBOW: Mr. President, the Committee
12 on State Finance and Taxation will meet immediately after
13 this meeting and will continue its discussions. Tomorrow
14 morning we will convene again to discuss the state
15 budget, the bond issues and assessments.

16 THE PRESIDENT: Delegate Mudd.

17 DELEGATE MUDD: Mr. President, the Committee
18 on the Judicial Branch has been considering since 1
19 o'clock today the matter of Chief Judges of the court
20 system and their administrative functions. We convene
21 15 minutes after adjournment of this plenary session to

1 resume those discussions and convene again tomorrow
2 morning at 10 o'clock.

3 THE PRESIDENT: Delegate Moser.

4 DELEGATE MOSER: Mr. President, the Committee
5 on Local Government will reconvene to continue its
6 deliberations at 7 p.m. this evening. It will convene
7 tomorrow morning at 9 a.m. to hear from Senator John
8 Bishop of Baltimore County, at 9:20 a.m. Congressman
9 Gilbert Gude is scheduled to appear. At 10 a.m. there
10 are hearings scheduled on Delegate Proposals 397 and 399
11 and this also encompasses 111. These relate to require-
12 ments that certain counties shall have districts for
13 representation on the county councils and was the subject
14 of a previous hearing. We are scheduling these times to
15 afford those proponents of 397 and 399 who may wish to
16 appear to appear before the committee.

17 THE PRESIDENT: Delegate Morgan.

18 DELEGATE MORGAN: Mr. President, the Committee
19 on the Executive Branch will meet immediately after today's
20 session to begin to take up the veto power of the Governor,
21 the organization and reorganization of the Executive

1 Branch of the government, the limitations, any limitations
2 on the Governor's appointive power. We will then
3 proceed to consider the question of the appointive or
4 elective Attorney General, the manner of appointment of
5 the State Treasurer, the election or appointment of the
6 Comptroller, and the continuation of the Board of Public
7 Works as a constitutional office.

8 Delegate Sherbow is going to appear before the
9 committee immediately after this session to discuss the
10 reorganization power and the Curlett Commission report.

11 THE PRESIDENT: Any other announcement
12 by committee chairmen? Delegate Gallagher.

13 DELEGATE GALLAGHER: Mr. President, the
14 Committee on the Legislative Branch will meet briefly
15 after the session this afternoon. Tonight members of
16 the committee together with representatives of other
17 committees will meet in Randallstown in the public library
18 in Baltimore County. The committee will meet tomorrow
19 morning at 9:30. We will also have night sessions this
20 week on Tuesday and Wednesday evenings.

21 THE PRESIDENT: Any other announcement?

1 Delegate Koss?

2 DELEGATE KOSS: Mr. President, the Committee
3 on Suffrage and Elections met this morning and hopefully
4 concluded our discussion and decision on the referendum
5 part of our responsibilities. We will reconvene tomorrow
6 morning at 10 o'clock proceeding to make decisions on
7 all qualifications other than age.

8 THE PRESIDENT: Delegate Boyer.

9 DELEGATE BOYER: Mr. President, before I make
10 announcements, I wonder if I could address a question
11 to Judge Powers, Chairman of the Calendar.

12 THE PRESIDENT: Go ahead.

13 DELEGATE BOYER: Judge, is there any thought
14 perhaps to showing "The Mighty Oak" to the entire
15 convention after the session one particular day.

16 DELEGATE POWERS: In answer to that question,
17 a member of the Committee on Calendar and Agenda,
18 Delegate Clark, made that suggestion. I proposed to
19 take it up so we can have the question answered.

20 THE PRESIDENT: The difficulty about it is
21 the only two places that we now know of where the projector

1 and screen are available are in rooms that are not large
2 enough for the entire Convention. If we could get a
3 large enough room, it would be much easier.

4 DELEGATE BOYER: The reason I asked is I
5 was taken by surprise by your announcement and I just
6 wanted to clarify if there is some thought that perhaps
7 if this might be shown to the entire Convention, we
8 would save duplication by showing it to the General
9 Provisions Committee this afternoon. It has been the
10 thought of the committee that a lot of our constituents
11 have been inquiring about it and what the theme is and
12 format. We thought we could best answer it by viewing
13 it ourselves so we could intelligently answer their
14 questions.

15 I hate to scrub out your announcement but I
16 would prefer at this stage of the game to return to our
17 committee room immediately after the session and take
18 up discussion of some matters before us and we will try
19 to fill in the showing to the General Provisions Committee
20 of "The Mighty Oak" at a later date.

21 THE PRESIDENT: That is all right. The

1 memorandum sent to my office today was that your
2 committee would still be there. The film will still be
3 shown 15 minutes after this session for whatever delegates
4 have the time and inclination to see it.

5 DELEGATE BOYER: Thank you. The General
6 Provisions Committee will meet immediately after the
7 session in the Jeffrey Building for discussion purposes.

8 THE PRESIDENT: Any other announcements by
9 committee chairmen? Delegate Vecera.

10 DELEGATE VECERA: Mr. President and ladies
11 and gentlemen of the Convention, several delegates
12 requested some information regarding facilities at the
13 Naval Academy. I therefore wrote to Admiral Hoffman and
14 received a reply. May I read in part, Mr. President.

15 THE PRESIDENT: I didn't catch the last part.

16 DELEGATE VECERA: May I read in part the letter
17 that concerns the delegates' request? May I read it,
18 Mr. President?

19 THE PRESIDENT: Go ahead.

20 DELEGATE VECERA: Admiral Hoffman states:
21 We are unable to make gym facilities available for ladies.

1 Arrangements can be made on an informal basis by gentlemen
2 delegates to work out at times which will not interfere
3 with midshipmen education and training. Delegates
4 desiring to make such arrangements may call Commander
5 J. S. Donaldson or Professor A. J. Rubino on Extension
6 430 at the Naval Academy. Some delegates wanted to work
7 out. In line with that if they understand the terminology,
8 they may see me at any time and I will give them in
9 writing the extension number, Extension 430.

10 May the entertainment committee please have a
11 brief meeting around my desk immediately after this
12 session.

13 THE PRESIDENT: Any further announcements by
14 committee chairmen?

15 DELEGATE MOSNER: I cannot announce the
16 apprehension of the robbers who robbed our bank of
17 \$114,000 last Friday but the F.B.I. is working on it.
18 I would, however, like to announce I have the rare
19 privilege of announcing -- and I say rare because this
20 thing will never happen again to the two principals
21 involved -- the announcement is that the very able chairman

1 of our Finance and Taxation Committee, Honorable Joseph
2 Sherbow and his very lovely wife gave birth to a lovely,
3 I mean (laughter) I mean celebrated their forty-fifth
4 wedding anniversary yesterday, (Applause.)

5 THE PRESIDENT: Delegate Bradshaw.

6 DELEGATE BRADSHAW: Mr. President, I wish to
7 announce the presence in the gallery immediately facing
8 the rostrum of approximately thirty members of the
9 Teenage Republican Club of Montgomery County accompanied
10 by Miss Carol Rogers. (Applause.)

11 THE PRESIDENT: Delegate Clarke.

12 DELEGATE CLARKE: I would like for the
13 record to show I was present at roll call. My button
14 didn't work.

15 THE PRESIDENT: Delegate Wheatley.

16 DELEGATE WHEATLEY: It gives me a great deal of
17 pleasure to announce the delegate to my right, Delegate
18 Weidemeyer, had the pleasure of celebrating another
19 birthday yesterday. He has requested that I withhold
20 the exact age from the minutes of the Convention. (Applause.)

21 THE PRESIDENT: Any delegates present now who

1 were absent at roll call desire to indicate their presence?
2 Delegate Singer.

3 DELEGATE SINGER: Mr. President, I wish to
4 indicate my presence.

5 THE PRESIDENT: Delegate Hardwicke.

6 DELEGATE HARDWICKE: Delegate Hardwicke,
7 present.

8 THE PRESIDENT: Any other delegates present
9 now who were not present at roll call desire to indicate
10 their presence? If not, the chair recognizes Delegate
11 Powers, Chairman of the Committee on -- just a moment,
12 Judge Powers. There was one other matter that I wanted
13 to call to the attention of the delegates. I am sure all
14 of you are aware that at the end of this week we will be
15 at the mid point of the Convention. I am sure all of you
16 are likewise aware that you have been in committee moving
17 very rapidly in the past week to crystallize your think-
18 ing and that the reports are beginning to shape up.

19 I want to mention to the delegates generally
20 several things that I mentioned to the chairmen last
21 Thursday evening in connection with the reports of the

1 committees. I make this announcement to the other dele-
2 gates in connection with the minority reports.

3 As I think all of you realize, the reports
4 of the committees and the minority reports are very
5 important historical documents, historical in the sense
6 that they are the documents to which the courts in the
7 future will have primary recourse to determine the
8 intent and meaning behind the various provisions adopted
9 in the Constitution.

10 They are therefore not casual memoranda to
11 be dashed off hurriedly. They should receive the best
12 attention of the committee chairman in the case of
13 majority reports and of the spokesman for the minority
14 in the case of minority reports. Remember that 20 per
15 cent of any committee can file a minority report. It
16 should be done just as carefully as the majority report.
17 The two rules you have to keep in mind necessarily, if
18 you desire your report to have an effect on the remaining
19 delegates, it must be short enough to be read. We are
20 all going to be deluged even more than we have been in the
21 past by a mass of written material. It is going to be

1 necessary for all the delegates to try as best they can
2 to familiarize themselves with all the mass of material
3 accumulated in the hearings held by the committees in
4 the past six weeks. This in itself is a tremendous
5 volume of reading to assimilate in a very short time.
6 It is therefore even more important that the reports of
7 the minority not be repetitious, be short enough to be
8 read, but be long enough to be truly informative and,
9 if you desire them to have that effect, to be persuasive.

10 The chair now recognizes Delegate Powers.

11 DELEGATE POWERS: Mr. President, I move
12 we adjourn until 2 p.m. tomorrow.

13 THE PRESIDENT: All in favor, signify by saying
14 Aye; contrary, No. The Ayes have it. So ordered.

15 (The Convention adjourned at 4:25 p.m.)
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21

1
2 CONSTITUTIONAL CONVENTION
3 OF THE
4 STATE OF MARYLAND
5
6 -----
7

8 Chamber of the House of Delegates
9 State Capitol
10 Annapolis, Maryland
11 October 24, 1967 - 2 p.m.
12
13 -----
14

15 HONORABLE H. VERNON ENEY,
16 PRESIDENT

17
18 HONORABLE WILLIAM S. JAMES,
19 SECOND VICE-PRESIDENT,
20 PRESIDING
21

20 Reported by:
21 W. P. Banister

1 DELEGATE JAMES: The prayer will be offered
2 by the Reverend W. Curtis Draper of Upper Marlboro
3 Episcopalian Church, Upper Marlboro, Maryland. Reverend
4 Draper.

5 (Whereupon the invocation was offered by
6 Reverend Draper.)

7 DELEGATE JAMES: Roll call.

8 (Whereupon a roll call was taken.)

9 DELEGATE JAMES: Has everyone registered his
10 vote? The Clerk will register the roll call.

11 Report of the Committee on Calendar and Agenda.
12 Chair recognizes the Chairman.

13 DELEGATE POWERS: Mr. Chairman, I move we
14 adopt today's calendar.

15 (The motion was duly seconded.)

16 DELEGATE JAMES: All in favor of the motion,
17 say Aye; opposed, No. The Ayes seem to have it, Ayes
18 have it.

19 Reports of standing committees, consideration
20 of the 11th Report, Committee on Rules, Credentials and
21 Convention Budget. The Chair recognizes the Chairman,

1 Delegate Scanlan. Does Delegate Scanlan wish to come
2 forward and give his report?

3 DELEGATE SCANLAN: Mr. Vice-President, fellow
4 delegates, I have the honor to present the 11th Report
5 of the Committee on Rules, Credentials and Convention
6 Budget. Our report today deals with the Convention budget.
7 Hopefully you should have before you not only a copy of
8 the committee's report, but an attachment to that report
9 showing the estimated budget and divided into three
10 columns, 90-day session, 105-day session, 120-day session.

11 I also believe you should have before you a
12 memorandum by the Secretary of the Convention, Secretary's
13 Memorandum No. 30, which I believe was circulated yester-
14 day, and which indicates the expenditures paid and incurred
15 thus far in the operations of the Convention and compares
16 with the budget for the particular items listed, and
17 indicates the balance remaining.

18 It isn't completely uniform. As I understand
19 it, the salaries and per diem expenses of the delegates
20 referred to in Mr. Martineau's memorandum speak as of
21 October 18, whereas all the other expenses speak as of

1 October 23rd.

2 Earlier in the session, I believe there was
3 circulated a list of all the staff people, all the
4 employees of the Convention, and their respective
5 salaries and compensation.

6 I am not going to go into great detail in the
7 report here from the rostrum. You do have our report
8 and you do have the budget. I would just like to touch
9 upon a few points that I think may be of special interest
10 to you.

11 It is clear under the rules that the President
12 and officers of the Convention have the primary responsi-
13 bility of preparing the budget under which the Convention
14 must operate. That has been done.

15 It is also reasonably implied that the
16 Convention itself should finally approve or disapprove
17 any budget prepared for it and presented to it by its
18 officers. Section 11 of the Enabling Act specifically
19 permits the Convention to incur such expenditures as may
20 be proper to carry out its work. It forbids the Convention
21 from incurring "total expenditures in excess of the amount

1 appropriated by law for its expenses." I think there is
2 very little doubt in the final analysis it is the
3 Convention's responsibility with respect to the budget
4 because in the first instance, as your committee entrusted
5 with the function of reviewing the budget in your behalf,
6 we have the duty to review it and to report to you con-
7 cerning it. This is the first opportunity we have had
8 to do that. We have had the privilege of having the
9 President and other officers of the Convention and budget
10 analysts from the Comptroller's office, all of whom
11 appeared before your committee on October 11. At that
12 time, especially the President, they went over in great
13 detail the various items on the estimated budget that you
14 have before you today.

15 There is one change, the only significant
16 change in the budget as presented to us on October 11
17 and the budget you have in your possession today is the
18 fact that the post-Convention expenses, should the
19 Convention go the full 120 days, is reported as \$22,580
20 rather than the \$35,000 or so that was listed in the
21 original budget, which would have resulted in a technical

1 deficit of some \$12,000.

2 I think the President was very candid in his
3 appearance before our committee and he stated the
4 realities of the situation that from the beginning the
5 great handicap in preparing a budget for a constitutional
6 convention is that you have very little with which to
7 compare it. A constitutional convention is a rare animal.
8 Even when you try to compare it with recent constitutional
9 conventions in other states, the comparison is, if not
10 meaningless, misleading. Michigan went on seven and a
11 half months. They had long recesses. New York, the
12 most recent convention, New York is a high salary, high
13 income tstate. A lot of money was pumped into that
14 convention. If we took the New York standards as a
15 basis in estimating our budget, I think we would be very
16 unrealistic.

17 The Rhode Island Convention is another thing.
18 That has gone on for two or three years but they only
19 met a few days out of the month.

20 When you look at prior contemporaneous conven-
21 tions, there was very little you could get your teeth into

1 by way of providing an experience factor on which you
2 could estimate the budget items for this convention.

3 There was some help in the budget of the General
4 Assembly and the committee had the advantage of that and
5 a comparison of that budget with our budget, this
6 proposed budget, indicates that the salaries, for
7 example, are not out of line at all. I don't know
8 whether they were distributed to the delegates but our
9 committee had the advantage of seeing that, for instance,
10 in the last session of the General Assembly the budget
11 for staff was \$316,990. The Michigan Constitution was
12 three hundred twenty-nine plus dollars. Our budget
13 indicates roughly \$302,816 for staff. So these figures,
14 while they are in the ball park, are still nevertheless
15 not too enlightening because it is very hard to compare
16 the duties done by the staff of the legislature with the
17 duties carried on by the staff of the Convention.

18 A number of our people, for example, it comes
19 to mind, the parliamentarian, he is a parliamentarian,
20 but he also does research for a number of committees,
21 including the Rules Committee. There are other people

1 in the same position.

2 So there is no question we have suffered from
3 the ability to compare the budget with something meaningful.

4 At the time of his appearance before the
5 committee, the President went through all of the
6 various items and he indicated very frankly there are a
7 number that are probably overestimated. Take, for
8 instance, the per diem compensation of the delegates.
9 Every time a delegate doesn't attend a meeting, \$25,
10 to put it one way, is saved by the State of Maryland.
11 Or if the delegate doesn't attend, is unexcused, another
12 \$15 is saved. There are other items where there
13 probably, where the estimates are probably overstated.
14 For instance, if you check the memorandum supplied by
15 the Secretary with the estimated telephone expense, it
16 begins to look as though that may have been overstated.
17 While we took the General Assembly experience for the
18 estimated telephone budget, apparently this may be a little
19 high. You don't communicate with home as often as our
20 delegates do down here in the legislative session. But
21 whatever the reason, it begins to appear that item is,

1 probably somewhat overstated.

2 There is another item that probably is over-
3 stated, an arbitrary figure of \$5,000 was allotted for
4 the extra expense of delegates that might have to go
5 throughout the state or out of the state to attend meetings
6 and \$5,000 was budgeted for that. Again according to the
7 Secretary's memorandum as of October 23, we only spent
8 \$318.60. It is quite clear that item is probably over-
9 stated.

10 One point on the salaries of the staff. The
11 President testified before us so far as he had personal
12 knowledge, every single member of the professional staff
13 was receiving less for his services here in three or
14 four months, whatever it may be, than he was receiving
15 in outside life. So we don't have the problem of a lot of
16 high-priced jobs. I know for a fact, I think if you look
17 at the list of the secretaries' salaries, it is perfectly
18 clear these girls are not being paid what the average
19 secretary would realize in a similar job in private
20 employment or even, I think, in the state government.

21 On the other hand, I suppose it must be

1 conceded there are some items which in the end may turn out
2 to be overstated.

3 For example, under Xerox, \$2,400, which
4 reproduces this plethora of material which inundates
5 us each day or did recently, again we are just going on
6 the daily cost basis of the amount of consumption. Whether
7 this will decrease or increase, I don't think is known.
8 Right now I think very frankly if you look at the figures
9 Mr. Martineau supplied us, it looks like this may have
10 been somewhat underestimated.

11 Of course, the really critical and expensive
12 item is printing, not only of the final printed edition
13 of the transcript of the proceedings in this Convention,
14 no one really knows what that will be, it will depend on
15 how long the Convention goes, how wordy we are, the form
16 of the transcript, and other matters.

17 The journal, of course, would be a less
18 expensive proposition, but there again the total amount of
19 the journal is uncertain. We have never had a journal
20 for a constitutional convention unlike the annual
21 journals of the legislature where there is recurring .

1 experience which would give you some reasonable estimate
2 of the printing costs. It may turn out that the figures
3 for printing are understated.

4 It is apparent that the major mistake in the
5 wisdom of hind sight was that perhaps we should have asked
6 for more money. Not that we don't have enough if the
7 budget is adhered to as proposed by the officers and
8 recommended by your committee, not that we don't have
9 enough to continue the convention in operating on a very
10 efficient basis and giving everybody what they really
11 need to do the job but due to the fact if we go the full
12 120 days, we will not have a great deal left over for
13 the purpose of post-Convention expenses, especially publiciz-
14 ing the work of the Convention.

15 Originally when the legislature appropriated
16 the \$2,000,000, it broke it down as follows.
17 \$20,000 to wind up the work of the Constitutional Conven-
18 tion Commission, \$750,000 as the state's contribution to
19 the localities for the cost of conducting the special
20 election on May 18, with the remainder to be allocated
21 to the operation of the Convention and the thought being

1 that it is \$1,230,000 left, \$230,000 would be left for
2 public information expenses at the end. But if we go
3 the full 120-day session, it is fairly clear, if the
4 budget we have presented to you is even reasonably
5 reliable, it is fairly clear there will be very little,
6 twenty-two or twenty-three thousand dollars or so, left
7 over to use for public information purposes, which would
8 mean in that situation that the General Assembly of
9 Maryland would have to appropriate any additional
10 funds that might be required to distribute the proposed
11 Constitution and the commentary and information about
12 it to the voters of Maryland before they are asked to
13 accept or reject it.

14 The recommendation of your committee is that
15 the budget as presented to you today be approved, but
16 that this committee be authorized by the Convention to
17 review the budget periodically in relation to the expendi-
18 tures being incurred to see if the budget is being
19 adhered to and to report back to you if, in its judgment,
20 further action of the Convention is required.

21 I think I had better read the recommendation

1 because of the mistyping in one word, which is a critical
2 word, last page, six, last paragraph: "The committee
3 recommends that the Convention approve the estimated
4 budget attached to this report, but that it authorize
5 the Committee on Rules, Credentials and Convention Budget
6 to periodically review operations under the budget and,
7 in the Committee's judgment, to report to the Convention
8 regarding expenditures incurred," here it is, "or any
9 other matters affecting the budget of the Convention."

10 DELEGATE JAMES: Any questions? The Chair
11 recognizes Delegate Della.

12 DELEGATE DELLA: Will the Chair answer a
13 question?

14 DELEGATE JAMES: If he can.

15 DELEGATE DELLA: Can you tell me how much we
16 have spent out of the \$2,000,000?

17 DELEGATE SCANLAN: I can tell you as of October
18 23 with a slight allowance made for the fact that we don't
19 have the delegates' salaries and per diem expenses of that
20 day, we have it for the 18th. It looks like as of October
21 23rd, slightly underestimated because we just have

1 salaries as of October 18, we have spent \$292,756 out of
2 the \$1,230,000 allotted for the Convention. Remember,
3 as I said, Senator, \$750,000 has been allocated for the
4 conduct of the election and \$20,000, I believe, to wind
5 up the affairs of the Constitutional Convention.

6 DELEGATE DELLA: Are these estimated figures
7 you are giving me?

8 DELEGATE SCANLAN: No.

9 DELEGATE DELLA: Actual costs?

10 DELEGATE SCANLAN: These are figures supplied
11 by the Comptroller's office and are reflected in the
12 memorandum distributed by the secretary.

13 DELEGATE DELLA: Because you put in here
14 estimated \$7,000 for monthly telephone.

15 DELEGATE SCANLAN: Yes, but --

16 DELEGATE DELLA: Ordinarily, Mr. Chairman, our
17 telephone bill for the legislative session is approxi-
18 mately \$50,000.

19 DELEGATE SCANLAN: I think that may be correct.

20 DELEGATE DELLA: How you came up with the
21 figure of \$7,000, I do not know.

1 DELEGATE SCANLAN: You are correct, the last
2 budget of the General Assembly shows an over-all communi-
3 cations budget, I assume that includes postage and tele-
4 graph as well as telephone, roughly \$51,000. I think I
5 indicated in my remarks that the estimate of \$7,000 which
6 we, we didn't go as high as the General Assembly, \$7,000
7 a month times four gives you \$28,000 for a telephone
8 bill. But the telephone bill, if I read the secretary's
9 memorandum correctly, as of October 23 stands at \$7,753.89,
10 which indicates it is running less than the \$7,000
11 estimated, which, I think, perhaps shows that lowering
12 the estimates of telephone is probably right. The
13 delegates just don't call home that much. They just don't
14 have that much.

15 DELEGATE DELLA: Not as responsive to the
16 people maybe. (Laughter.) Do you mean to say the
17 delegates, once they are in Annapolis, don't want to
18 communicate with the people back home?

19 DELEGATE SCANLAN: I didn't say that, but
20 perhaps they have concentrated more on affairs here rather
21 than their offices back home. In any event, the telephone

1 is running a little lower than anticipated.

2 DELEGATE JAMES: Any further questioning of
3 the Chairman? The Chair recognizes Delegate Malkus.

4 DELEGATE MALKUS: Mr. President, I rise upon
5 a point of inquiry. I ask if the Chairman will yield.

6 DELEGATE JAMES: Will the Chairman yield?

7 DELEGATE SCANLAN: Certainly.

8 DELEGATE MALKUS: Ladies and gentlemen, before
9 the question comes, I refer to this flowery report on
10 Page 2, line 27 and give to you a brief moment to read
11 that which we are now being asked to adopt.

12 As I understand this report, the first 90 days
13 we are going to have actually 75 working days which will
14 take us up to December 12 or thereabouts.

15 The next 15-day period, as I understand this
16 report, we are going to be working, which carries us
17 through Saturdays, Sundays, Christmas Eve, and
18 Christmas. Is this the intention of the administration
19 of this Convention, Mr. Chairman?

20 DELEGATE SCANLAN: I certainly can't speak for
21 the administration of this Convention, but I can, I think,

1 speak as to what I think was in mind in casting a 105-
2 day session. I believe that the 105-day session
3 anticipates perhaps that we reach, say, December 12, maybe,
4 and had not completed our work, but perhaps the Committee
5 of the Whole was about done with its work, which would
6 mean, again this is surmise and assumption, which would
7 mean that all the committee reports had cleared the
8 Committee of the Whole and gone to the Committee on Style
9 to be put, say, in one harmonious document with all the
10 kinks of language and form, et cetera, eliminated and a
11 recess and a return to this chamber to then go into a
12 session of the Convention needed for the second and final
13 reading.

14 This is surmise but I am sure that is what the
15 105-day session is based on. This is likely to be the
16 way it works out, not that we go 105 days right
17 through Christmas Eve, as you put it, but again I have
18 no responsibility for those decisions other than the one
19 vote I have as a delegate, if they are presented to me.

20 DELEGATE MALKUS: Will the Chairman yield for
21 another question?

Ms.
H-209

CONSTITUTIONAL CONVENTION OF MARYLAND

Secretary's Memorandum No. 38

TO: All Persons receiving transcripts
FROM: Robert J. Martineau, Secretary
DATE: October 30, 1967
SUBJECT: Correction of October 24 Transcript

University of Maryland Library
College Park, Md.

The accompanying pages 993, 993A and 994 should be substituted for pages 993 and 994 in the October 24 transcript of the Convention session already received. Originally, pages 993 and 994 were improperly transcribed, but they have now been corrected by the reporting service, adding page 993A, the contents of which had previously been omitted.

DELEGATE SCANLAN: ^{Yes.} But less enthusiastically
than I did the first time. (Laughter.)

DELEGATE MALKUS: I know you have studied
this budget very carefully.

DELEGATE SCANLAN: I gave it the care that I thought it warranted, Senator.

DELEGATE MALKUS: Mr. Chairman, it is hard to get ahead of a Boston Irishman in an argument.

DELEGATE SCANLAN: I am from New Jersey and only half Irish but you are about as accurate as usual. Go ahead. (Laughter.)

DELEGATE MALKUS: Now, Mr. Chairman, again we become serious. Have you studied the 15 days beginning with the end of the 90 days at the per diem allowed per delegate in this Convention which carries us through the Christmas, past the Christmas holidays?

DELEGATE SCANLAN: Yes, I believe so.

DELEGATE MALKUS: Is it then not true, Mr. Chairman, that this budget calls for, we will get per diem for 15 days after the end of the 90-day session without interruption including Saturdays, Sundays, Christmas

1 Eve and Christmas?

2 DELEGATE SCANLAN: I just don't read it that
3 way, Senator. If we met on a Saturday, yes, we would
4 get \$25 for the Saturday we met, but I don't believe it
5 is contemplated that it was figured on the basis of
6 Saturday and Sunday meetings.

7 DELEGATE MALKUS: Does not the budget call for
8 15 days of straight paid per diem after the expiration
9 of the 90 days?

10 DELEGATE SCANLAN: Sure it calls for 15 working
11 days however they are spread out, whether it is five,
12 five and five days at three weeks or whether we go six in
13 one week and go home on a Sunday and come back. I just
14 don't know.

15 DELEGATE MALKUS: Does it not after the 15
16 days call for per diem for all of the remaining working
17 days until January 12?

18 DELEGATE SCANLAN: Well, you are now talking
19 of the 120-day session?

20 DELEGATE MALKUS: Yes.

21 DELEGATE SCANLAN: The 120-day session calculates
that you will actually have been in session 105 days. I

1 would gather that you may have a point there.

2 DELEGATE MALKUS: Thank you, sir. I am very
3 hopeful, Mr. President -- certainly glad to see you there,
4 sir.

5 DELEGATE JAMES: Thank you.

6 DELEGATE MALKUS: That was, of course, as you
7 know, my wish, in the minority of course.

8 But, Mr. Chairman, a budget is a serious thing.
9 Do you think it is fair to present this budget -- the
10 budget is going to pass, we know that, it doesn't make
11 any difference whether it passes or not -- but a budget is
12 a serious thing. Here you are giving us this budget. The
13 first 90 days you allow for Saturdays and Sundays by 75
14 working days, but the next, which goes into the holy season,
15 starting with the 13th of December, carrying through
16 the 27th, or thereabouts, you allow no days off as far as
17 this budget is concerned.

18 Is this in your opinion --

19 DELEGATE SCANLAN: I don't think this budget
20 will determine the days we sit. I think the 120 day
21 forecast wanted to be an absolute prudent, tight forecast

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1 DELEGATE SCANLAN: Yes, but less enthusiastically
2 than I did the first time. (Laughter.)

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4 this budget very carefully.

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14 the next, which goes into the holy season, starting with
15 the 13th of December, carrying through to the 17th or
16 thereabouts, you allow no days off as far as this budget
17 is concerned.

18 Is this in your opinion --

19 DELEGATE SCANLAN: I don't think this budget
20 will determine the days we sit. I think the 120-day
21 forecast wanted to be an absolute, prudent, tight forecast

1 by taking in the largest possible number of actual working
2 days so as to be able to present possibly the bleakest
3 forecast of the monies on hand if we go the full limit.
4 I don't think this budget will be the basis on which it is
5 decided whether we sit on a Saturday, or, if it should
6 come to that, a Sunday.

7 DELEGATE MALKUS: Mr. Chairman, Mr. President,
8 I am not going to belabor the point any more. But one
9 final question. I read this budget through rather
10 carefully. I know you, Mr. Chairman, can tell me what is
11 the cost of changing these voting machines around as far
12 as this budget is concerned.

13 DELEGATE SCANLAN: I believe the cost for the
14 change to the way they have it was \$2,500. I could stand
15 corrected. I recall the testimony before the committee,
16 the President or the Secretary mentioned that figure but
17 either of them is here and I wouldn't want to state it with
18 precision if I am inaccurate, if they have the accurate
19 figure.

20 DELEGATE MALKUS: Can you tell me where that
21 is in the budget?

1 DELEGATE SCANLAN: \$2,200, Mr. Martineau tells
2 me.

3 DELEGATE MALKUS: Where is that in the budget?

4 DELEGATE SCANLAN: I believe it is under
5 miscellaneous services.

6 DELEGATE MALKUS: That covers a multitude of
7 sins, does it not?

8 DELEGATE SCANLAN: Yes, including changing
9 the board.

10 DELEGATE MALKUS: Now, Mr. President, the
11 Chairman has been very gracious, he is worthy of his hire.
12 My final question is this. I am not going to go ahead
13 and talk any more on the subject matter. Just one vote
14 against it. The easiest way that you allow me to vote
15 against it is the way I want to take without taking up
16 too much of the Convention's time.

17 DELEGATE SCANLAN: I know you wouldn't want
18 to do that, Senator.

19 DELEGATE JAMES: Any further questions of the
20 Chairman? If not, the question arises upon the adoption
21 of the Committee report. All in favor, say Aye; opposed,

1 No.

2 DELEGATE MALKUS: Mr. Chairman, can I be
3 recorded as no?

4 DELEGATE JAMES: I will ask the Clerk to record
5 Delegate -- no, I think probably the best way would be to
6 do it on the tape. Use the microphone and tell the mike
7 no.

8 DELEGATE MALKUS: Mr. President, with your kind
9 permission, I would like to be recorded as having voted
10 in the negative on the committee report now before us.

11 DELEGATE JAMES: Committee Report No. 11.

12 DELEGATE SCANLAN: Committee Report No. 11,
13 Mr. President.

14 DELEGATE JAMES: Committee Report No. 11 of
15 the Rules Committee. Thank you, Mr. Chairman. I assume
16 there are no further questions.

17 Thumbing through the item of business of
18 introduction and first reading of proposals, I would
19 first like to say that Delegate Finch has placed six
20 memoranda on your desks. They are available for intense
21 scrutiny and study.

1 We have one delegate proposal, No. 402. The
2 Clerk will read the proposal.

3 MR. QUILLEN: Delegate Proposal No. 402, by
4 Delegate Hanson. A proposal to provide a procedure for
5 redistricting the membership of the General Assembly, to
6 read as follows:

7 DELEGATE JAMES: Legislative Branch reference.
8 Motions and resolutions. Any motions or
9 resolutions?

10 DELEGATE SCANLAN: One delegate called atten-
11 tion to the fact that I don't believe you announced what
12 the vote was on the question of the adoption of the
13 Committee Report No. 11. While Senator Malkus' no was
14 recorded, I don't know whether the vote was announced.

15 DELEGATE JAMES: The point is well taken.
16 The report is adopted.

17 Would the clerk read the numbers of the
18 memoranda accompanying proposals by Delegate Finch.

19 MR. QUILLEN: Accompanying proposals No. 146,
20 by Delegate Finch, referred to the Executive Branch,
21 221, by Delegate Finch referred to General Provisions,

1 241 by Delegate Finch, referred to General Provisions,
2 271 by Delegate Finch, referred to General Provisions,
3 288, by Delegate Finch, referred to Local Government, and
4 321, by Delegate Finch, referred to General Provisions.

5 DELEGATE JAMES: Are there any announcements
6 by committee chairmen? The chair recognizes the Chairman
7 of Personal Rights Committee.

8 DELEGATE KIEFER: Mr. President, the Personal
9 Rights Committee will meet immediately after this meeting
10 to continue its discussion on various matters on which
11 it has had hearings. Tomorrow there will be further
12 hearings on the proposal involving the right of accused
13 and excessive bail question.

14 DELEGATE JAMES: The Chair recognizes the
15 Chairman of the Judiciary Committee.

16 DELEGATE MUDD: Mr. President, the Committee
17 on the Judicial Branch is now considering the matter of
18 reduced clerks and eligibility for appointment to the
19 Bench. We will resume our deliberations 15 minutes after
20 adjournment of the plenary session and continue tomorrow
21 morning.

1 DELEGATE JAMES: The Chair recognizes the
2 Chairman of State Finance.

3 DELEGATE SHERBOW: State Finance and Taxation
4 Committee will meet 15 minutes after this session is over
5 and we will continue our deliberations on the subject of
6 the state bond issues, assessments and budget. We are
7 hopeful that we will soon get out of the realm of word
8 surgery into actual reports.

9 DELEGATE JAMES: Chairman of Local Government.

10 DELEGATE MOSER: Mr. President, the Committee
11 on Local Government will reconvene immediately after the
12 session. It will meet again tomorrow morning at 9 a.m.
13 at which time we will have with us the proponents of
14 Delegate Proposal No. 387, relating to the taxing power
15 of counties and along with those proponents other members
16 of the Committee on Finance and Taxation.

17 DELEGATE JAMES: Chairman of the Executive
18 Branch Committee.

19 DELEGATE MORGAN: Committee on the Executive
20 Branch will resume its deliberations immediately after
21 adjournment of this plenary session and we will meet again

1 tomorrow morning at 9:30.

2 DELEGATE JAMES: Chairman of Suffrage and
3 Elections.

4 DELEGATE KOSS: Mr. President, the Committee
5 on Suffrage and Elections will meet 15 minutes after the
6 adjourning of this meeting and tomorrow morning at ten.

7 DELEGATE JAMES: Chairman of the Legislative
8 Branch.

9 DELEGATE GALLAGHER: Mr. President, the
10 Committee on the Legislative Branch will meet immediately
11 after the session and again tonight at 7:45 and tomorrow
12 morning at 9:30. At 4 o'clock tomorrow afternoon we
13 have seven major items upon which we shall begin final
14 balloting. We will stay throughout the evening to complete
15 these matters.

16 DELEGATE JAMES: Chairman of the Committee
17 on Publicity.

18 DELEGATE DULANY: Mr. Chairman, the Committee
19 on Public Information will meet promptly tomorrow morning
20 at 9 o'clock.

21 DELEGATE JAMES: Committee on General Provisions.

1 DELEGATE BOYER: The Committee on General
2 Provisions will meet immediately after this session to
3 continue and complete, hopefully, any unfinished business
4 on militia. We will then take up the matter of voting
5 and discussions on oaths. We will continue again tomorrow
6 morning at 10 o'clock.

7 DELEGATE JAMES: The Chair recognizes the
8 Chairman of the Rules Committee.

9 DELEGATE SCANLAN: The Committee on Rules
10 will meet tomorrow at 12 noon to consider this last
11 matter of form of amendments to committee recommendations
12 to the Committee of the Whole. When that's out of the way,
13 we will have our last report, hopefully, and can pass
14 off into welcome oblivion.

15 DELEGATE JAMES: Any other announcements?
16 Does anyone wish to record his presence?

17 DELEGATE GLEASON: Mr. President, I am here.

18 DELEGATE JAMES: Did you announce your name?

19 DELEGATE GLEASON: Gleason. I would like to
20 record my presence.

21 DELEGATE JAMES: Just want to make sure it's

1 on the tape. The Chair recognizes the Chairman of
2 Calendar and Agenda.

3 DELEGATE POWERS: Mr. President, I move we
4 adjourn until 2 p.m. tomorrow.

5 (The motion was duly seconded.)

6 DELEGATE JAMES: All in favor, say Aye;
7 opposed, No. The Ayes have it. So ordered.

8 (The Convention adjourned at 3:40 p.m.)
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CONSTITUTIONAL CONVENTION

OF THE

STATE OF MARYLAND

Chamber of the House of Delegates

State Capitol

Annapolis, Maryland

October 25, 1967 - 2 p.m.

HONORABLE H. VERNON ENEY,
PRESIDENT

Reported by:
W. P. Banister

1 THE PRESIDENT: The Convention will please
2 come to order.

3 The invocation today will be offered by the
4 Reverend Herbert S. Costain of St. James Episcopal
5 Church, Indian Head, Maryland, Charles County. Reverend
6 Costain.

7 (Whereupon the invocation was offered by
8 Reverend Costain.)

9 THE PRESIDENT: Roll call.

10 (Whereupon a roll call was taken.)

11 THE PRESIDENT: Have all delegates answered
12 roll call? The Clerk will record the roll call.

13 There being a quorum present, the Convention
14 is in session.

15 The Chair recognizes Delegate Powers, Chairman
16 of the Committee on Calendar and Agenda.

17 DELEGATE POWERS: Mr. President, I move the
18 adoption of today's calendar.

19 (The motion was duly seconded.)

20 THE PRESIDENT: Motion is carried. Calendar
21 adopted. First order of business is reports of standing

1 committees. I think all of you will be very pleased to
2 know that under this heading for the first time today we
3 have a committee recommendation, the first committee
4 recommendation to reach the floor. The Committee
5 Recommendation No. GP-1. The Clerk will read the
6 recommendation.

7 MR. QUILLEN: Committee Recommendation No.
8 GP-1, by the Committee on General Provisions, Elroy G.
9 Boyer, Chairman. A recommendation that the Constitution
10 include a provision on militia.

11 THE PRESIDENT: Committee Recommendation No.
12 GP-1 is referred to the Committee of the Whole. Accompany-
13 ing the Committee Recommendation GP-1 is Committee
14 Memorandum GP-1. You should have this. This constitutes
15 the Committee's report, its statement of the reasons
16 behind its recommendation.

17 As I am sure all the delegates are aware, the
18 recommendation under the rules must lay over for three
19 days, then becomes part of the general orders and will
20 be on the agenda for the Committee of the Whole to act
21 upon the recommendation at that time. In all probability,

1 this will come about next Tuesday.

2 Next item is introduction and first reading
3 of proposals. There are six proposals today. We seem
4 to have reversed the trend. Before reading the proposals,
5 I call to your attention that there has been distributed
6 nine memoranda accompanying delegate proposals heretofore
7 introduced. These are memoranda accompanying Proposals
8 Numbers 147, 149, 211, 212, 233, 244, 274, and 304, by
9 Delegate Finch, and memorandum accompanying Delegate
10 Proposal 250 by Delegate Bard. This latter memorandum
11 is a reprint of an earlier memorandum, reprint at the
12 request of Delegate Bard to correct certain typographical
13 errors. Please destroy your existing memorandum that is
14 in your notebook. That is the memorandum for Delegate
15 Proposal No. 250. You have another one to take its
16 place today.

17 Delegate Proposal No. 403. The Clerk will
18 read the proposal.

19 MR. QUILLEN: Delegate Proposal No. 403, by
20 Delegate Hanson. A proposal to provide standards for the
21 redistricting of the General Assembly, to read as follows:

1 THE PRESIDENT: Delegate Proposal No. 403
2 is referred to the Committee on the Legislative Branch.

3 Delegate Proposal No. 404. The Clerk will
4 read the proposal.

5 MR. QUILLEN: Delegate Proposal No. 404, by
6 Delegate Needle. A proposal that the Constitution include
7 a provision that criminal court records resulting in
8 verdicts of not guilty or probation without verdict shall
9 not be available to the public, that such records shall
10 be destroyed at the request of the accused, and matters
11 generally relating thereto.

12 THE PRESIDENT: Delegate Proposal No. 404
13 is referred to the Committee on the Judicial Branch.
14 Delegate Proposal No. 405. The Clerk will read the
15 proposal.

16 MR. QUILLEN: Delegate Proposal No. 405, by
17 Delegates Wheatley and Blair. A proposal that Article VIII
18 of the new Constitution, dealing with General Provisions,
19 shall provide for an affirmation by all public employees
20 that they will support the Constitution of the United
21 States, the Constitution of Maryland and the laws thereof,

1 such affirmation to be similar to that given to elected
2 and appointive officers (but adapted to reflect necessary
3 differences).

4 THE PRESIDENT: Delegate Proposal No. 405 is
5 referred to the Committee on General Provisions. Delegate
6 Proposal No. 406. The Clerk will read the proposal.

7 MR. QUILLEN: Delegate Proposal No. 406, by
8 Delegates B. Miller, Abramson, Bamberger, Bard, Baumann,
9 Bennett, Blair, Bothe, Boyce, Clarke, Harris, Kirkland,
10 Kosakowski, Lord, Mitchell, Murphy, Murray, D., Needle,
11 Ritter, Rush, Sickles, Sollins, A. W. Smith, Taylor,
12 Wheatley, White. A proposal that all persons shall have
13 the right to form or join labor organizations for their
14 mutual aid and protection and to bargain collectively
15 through representatives of their own choosing.

16 THE PRESIDENT: Delegate Proposal No. 406
17 is referred to the Committee on Personal Rights and the
18 Preamble.

19 Delegate Proposal No. 407. The Clerk will
20 read the proposal.

21 MR. QUILLEN: Delegate Proposal No. 407, by

1 Delegate Boileau. A proposal that the Bill of Rights
2 of the new Constitution shall include guarantees of freedom
3 from arbitrary administration action, to read as follows:

4 THE PRESIDENT: Delegate Proposal No. 407 is
5 referred to the Committee on Personal Rights and the
6 Preamble. Delegate Beatrice Miller.

7 DELEGATE MILLER: Mr.Chairman, on Proposal
8 No. 406, the name of Delegate Rush was inadvertantly
9 listed. Delegate Rush wants to withhold his support at
10 this time and consider it further. I am sorry.

11 THE PRESIDENT: Will each of you on your
12 printed copy of Delegate Proposal No. 406 strike the
13 name of Delegate Rush as a sponsor. Thank you, Delegate
14 Miller.

15 Delegate Proposal No. 408. The Clerk will
16 read the proposal.

17 MR. QUILLEN: Delegate Proposal No. 408, by
18 Delegate Sollins. A proposal that the Constitution shall
19 include a statement of the educational policy of the
20 State which shall provide for a statewide system of
21 free public schools, apportionment of state aid to educa-

1 tion, and matters generally relating thereto.

2 THE PRESIDENT: Delegate Proposal No. 408 is
3 referred to the Committee on General Provisions.

4 Next item on the calendar is motions and
5 resolutions. Resolution No. 18. The Clerk will read the
6 resolution.

7 MR. QUILLEN: Resolution No. 18, by Delegates
8 Kirkland, Sosnowski, and Vecera. A resolution that each
9 delegate shall have only one vote on only one substantive
10 committee and matters generally relating thereto, to read
11 as follows:

12 THE PRESIDENT: Resolution No. 18 is referred
13 to the Committee on Rules, Credentials and Convention
14 Budget. Delegate Rybczynski

15 DELEGATE RYBCZYNSKI: In reviewing Resolution
16 No. 18 and noting the significance of the resolution to
17 the actions within our own committee and probably other
18 committees of this Convention, I would strongly recommend
19 to the Chair that rather than refer this matter to the
20 Committee on Rules, Credentials and Convention Budget
21 that it be referred to the Committee of the Whole since

1 it requires no technical discussion whatsoever, no research,
2 but will simply cause double argument. That is, in the
3 committee and then repeat the same argument back out here
4 on the floor.

5 Immediately this afternoon after this plenary
6 session, there will be occasion when this could make
7 a difference within our own committee. I strongly
8 recommend to the Chair that the referral be to the
9 Committee of the Whole.

10 THE PRESIDENT: Delegate Scanlan.

11 DELEGATE SCANLAN: Mr. President, although
12 Mr. Rybczynski and I sit across the aisle and share many
13 common views, we did not discuss this problem. He arose
14 on his own initiative but I was about to arise to
15 suggest that the Committee on Rules has no special
16 competency to bring back a report on this resolution and
17 that therefore referring it to our committee, even if we
18 can act very promptly, only interjects an unnecessary
19 delay.

20 Secondly, I know that the committees have
21 reached the very crucial stage of voting on important

1 issues. The resolution asks that if adopted, it be
2 applied retroactively. I think this is a matter, I agree
3 with my good friend Edward Rybczynski here, that it should
4 be decided not by the Committee of the Whole but by the
5 Convention promptly.

6 I would be so bold as to move we now suspend
7 the rules to take up Resolution No. 18.

8 (The motion was duly seconded.)

9 THE PRESIDENT: Just a second. I was just
10 about to say that I do not believe a reference to the
11 Committee of the Whole would be proper and that the only
12 proper way to take up the resolution immediately would
13 be by suspension of the rules.

14 DELEGATE SCANLAN: I move we suspend the rules
15 to consider Resolution No. 18.

16 DELEGATE RYBCZYNSKI: Second.

17 THE PRESIDENT: Motion to suspend the rules
18 has been duly made and seconded. Is there any discussion?
19 Since this requires the affirmative vote of the majority
20 of the whole number of delegates, the votes will be by
21 the electronic roll call board. Delegate Bard.

1 DELEGATE BARD: Mr. President, I would like
2 to ask a question in respect to Line 13 -- whereas three
3 delegates have been assigned to eight substantive
4 committees -- first may I ask, is it in order to ask about
5 the resolution at this point?

6 THE PRESIDENT: Yes, I think you can ask the
7 sponsor.

8 DELEGATE BARD: Does the sponsor --

9 THE PRESIDENT: Wait just a second. I think
10 probably the present matter is on suspension of the rules.
11 If the rules are suspended, then you may ask your question.
12 Is there any discussion on the motion to suspend? If
13 not, the question arises on the motion to suspend the
14 rules to take up for immediate consideration by the
15 Convention Resolution No. 18. A vote Aye is a vote in
16 favor of the motion to suspend the rules. A vote No
17 is a vote against the suspension of the rules, in which
18 event the resolution will be referred to the Committee on
19 Rules, Credentials and Convention Budget. Indicate your
20 vote.

21 Has every delegate voted? Does any delegate

1 desire to change his vote? The Clerk will record the
2 vote. There being 118 votes in the affirmative and 4 in
3 the negative, the motion is carried and the rules are
4 suspended.

5 The Chair recognizes Delegate Rybczynski.
6 I suppose I should recognize first one of the sponsors.
7 Does either of the three sponsors desire to speak?
8 Delegate Kirkland.

9 DELEGATE KIRKLAND: Mr. Chairman, I think the
10 very reason why I subscribe to this resolution is based
11 on the one man, one vote rule. I saw absolutely nothing
12 in the rules that would give any delegate elected by the
13 people an opportunity to have more than one vote. This
14 you would have to consider a weighted vote. I am sure
15 that it wasn't the intent of the people of Maryland to
16 give any person more than one vote on any particular
17 committee or in this Convention.

18 The other thing is it is hard to conceive
19 that a person who does not attend regularly any substantive
20 committee would have the background or the knowledge of
21 the witnesses that appeared and would permit him to make

1 a really justifiable vote. This is basically the reason
2 why I subscribe to this resolution.

3 THE PRESIDENT: Delegate Bard, do you wish
4 to ask your question of the sponsors?

5 DELEGATE BARD: Yes, I am not clear as to the
6 second whereas. It seems to me, Mr. President, that
7 we would need to have some arrangement whereby the three
8 delegates concerned would have a vote somewhere. I
9 personally am concerned about multiple voting but I am
10 equally concerned about any arrangement which would keep
11 these three delegates from having --

12 THE PRESIDENT: Delegate Bard, I thought you
13 were going to ask a question.

14 DELEGATE BARD: My question is: Does this
15 imply that they have a vote of their choice?

16 THE PRESIDENT: Delegate Kirkland, do you
17 want to answer?

18 DELEGATE KIRKLAND: To my mind, it is in the
19 "resolved," Dr. Bard, that they would have a vote on one
20 substantive committee, be it assigned by the President or
21 be it a choice of their own. However, I think they are

1 only entitled to one vote.

2 THE CHAIRMAN: Delegate Koss.

3 DELEGATE KOSS: I would like to address a
4 question, if I may, to Delegate Kirkland. I can certainly
5 appreciate his concern in terms of one man, one vote, but
6 I wondered whether implicit in his statement about attend-
7 ing hearings and meetings whether you felt a vote on
8 substantive issues should be conditionable upon
9 attendance at all hearings, prior hearings, and meetings
10 of the committee and participation in the deliberations.

11 THE PRESIDENT: Delegate Kirkland, do you
12 care to answer?

13 DELEGATE KIRKLAND: I strongly feel that
14 witnesses and their opinions are of vital importance in
15 more or less my committee deliberation and I am quite
16 sure it would be in the consideration of their vote if
17 they heard all the witnesses who testified and the sub-
18 stance on which they testified. I feel it is very
19 vital and important in determining one's vote.

20 THE PRESIDENT: Are there any further questions
21 to be asked? If not, the Chair recognizes Delegate Koss.

1 DELEGATE KOSS: In extension of my original
2 question, I don't really feel Mr. Kirkland answered it.
3 I was mindful of his consideration of the factor in
4 terms of the three people who are assigned to additional
5 committees. I was talking about individuals assigned
6 to only one committee and whether their vote in the
7 committee should be conditioned, whether implicit in the
8 original statement was there any implication that regular
9 members who were assigned only to one committee should not
10 be permitted to vote unless they had been present in
11 committee deliberations to hear the testimony of all the
12 witnesses.

13 THE PRESIDENT: Delegate Singer.

14 DELEGATE SINGER: I have a question for Delegate
15 Kirkland. His remarks were not addressed to the last
16 two lines of the resolution, that they be applied
17 retroactively. I would ask him why this is inserted in
18 the resolution when at this point in the proceedings of
19 the Convention it would be damaging, if not fatal, to the
20 Convention if many of the committees were forced to
21 start all over again in voting.

1 THE PRESIDENT: Delegate Kirkland, I take it
2 that is a question addressed to you. Do you care to
3 answer it?

4 DELEGATE KIRKLAND: I don't think it would be
5 damaging. I think it would just start some recounting
6 of some votes already taken and would give the people
7 an honest opinion of the substantive committee. I
8 see no reason and I don't think it would hinder the
9 progress of this Convention one bit.

10 THE PRESIDENT: Delegate Schneider.

11 DELEGATE SCHNEIDER: Mr. President, on Line
12 18 it says whereas one delegate has been assigned to no
13 substantive committee -- I would ask Mr. Kirkland who
14 is this delegate.

15 THE PRESIDENT: Perhaps the chair had better
16 answer that. The delegate in question is Delegate Howard
17 Penniman who is Chairman of the Committee on Style,
18 Drafting and Arrangement. Under the Convention rules
19 each delegate is entitled to serve on at least one
20 substantive committee if he so requests. In discussing
21 the appointment of Delegate Penniman to the chairmanship

1 of this committee, discussion with him, I suggested that
2 the duties of chairman of that committee would be so exact-
3 ing and time consuming that he would probably not have
4 the time to attend the hearings of other substantive
5 committees. He agreed and did not request that he be
6 placed on any other committee. Delegate Gallagher.

7 DELEGATE GALLAGHER: Mr. President, on Page
8 2 I move that Lines 6 and 7 be struck. Move to amend.

9 THE PRESIDENT: There is a motion that Lines
10 6 and 7 on Page 2 be stricken. Is there a second?

11 (The motion was duly seconded.)

12 THE PRESIDENT: Delegate Gallagher, do you
13 desire to speak in support of the motion.

14 DELEGATE GALLAGHER: Very briefly, Mr. President.
15 I think the resolution has much merit but I am afraid the
16 retroactive aspects of it will cause some administrative
17 difficulties to say the least. Therefore, I suggest that
18 I can vote for this resolution without the retroactive
19 feature but not as it stands, not knowing the harm or
20 injury it may do.

21 THE PRESIDENT: The question arises on the

1 motion to amend. Is there any discussion of that motion?
2 Delegate Mason.

3 DELEGATE MASON: Mr. Chairman, I rise to a
4 point of order. Can we amend the motion without suspend-
5 ing the rules?

6 THE PRESIDENT: I think so. We have suspended
7 the rules and the resolution is before the Convention for
8 such action as it desires to take. Do you desire to
9 speak, Delegate Vecera, to the motion to amend?

10 DELEGATE VECERA: Yes, I do, Mr. President.

11 THE PRESIDENT: The Chair recognizes Delegate
12 Vecera.

13 DELEGATE VECERA: In answer to Delegate
14 Gallagher, Lines 6 and 7, that the resolution be applied
15 retroactively, the reason we inserted that was the
16 essence of the resolution hinges on that. There have
17 been major decisions already taking place in the committees
18 and it would be unwise for us to continue under this
19 particular one man, one vote we are speaking of and we
20 ought to reverse ourselves at this point, which is an
21 early stage of the game, of the Convention, and that

1 we ought to take action on it retroactively. There
2 have been major decisions made that might hinge on this
3 particular resolution.

4 THE PRESIDENT: Delegate Marion.

5 DELEGATE MARION: In order that I can vote
6 on the amendment as well as the resolution itself, I have
7 perhaps two or three questions which should go, first of
8 all, perhaps to Mr. Scanlan as Chairman of the Committee
9 on Rules.

10 I ask first of all whether this situation is
11 covered in the rules of the Convention that we adopted
12 in July.

13 THE PRESIDENT: What do you mean by this
14 situation?

15 DELEGATE MARION: Whether the provision for
16 appointment of officers as liaison members with voting
17 privileges was covered in the rules of the Convention that
18 we adopted in July.

19 DELEGATE SCANLAN: The rules do not specifically
20 state whether or not a man can have more than one vote.
21 On the other hand, the rules do incorporate Robert's

1 Rules of Order to the extent that the rules do not other-
2 wise specifically cover the subject. Under Robert's
3 Rules of Order, it is perfectly clear, the Parliamentarian
4 and Chair are there if I am wrong, it is perfectly clear
5 if you serve on a committee you are entitled to vote
6 as a member of the committee. Can I have two votes?
7 I vote as a member of the Rules Committee and I vote
8 as a member of the Legislative Committee. I would not
9 like either right taken from me, and at the present time
10 as I interpret the rules, this is permitted me.

11 DELEGATE MARION: If I might ask another
12 question of Delegate Scanlan, do I understand what you
13 are saying to mean that the rules were adopted which would
14 incorporate this principle before the election by this
15 Convention of those officers who have been appointed to
16 serve as officer liaison members with voting privileges
17 on more than one committee?

18 DELEGATE SCANLAN: Would you recast your
19 question, Delegate Marion?

20 DELEGATE MARION: My question is whether or
21 not we adopted rules which provide for this procedure .

1 anticipating the possibility before the Convention by
2 majority vote elected a President, a First Vice President,
3 and a Second Vice President, who under those rules might
4 well be appointed to more than one committee with full
5 voting privileges on more than one committee?

6 DELEGATE SCANLAN: I think you are right. I
7 think we elected our officers and we adopted our rules
8 on July 12, 1967. Later the various committee assignments
9 were made. The officers of the Convention were assigned
10 more than one committee. So I think the candid response
11 to your question is we did not adopt this procedure prior
12 to the time when we adopted our rules even though the
13 rules as adopted would permit it.

14 DELEGATE MARION: May I ask you one other
15 question, Delegate Scanlan. From your study of the
16 rules, are there other legislative bodies, for example,
17 the House of Delegates of the Maryland General Assembly,
18 where members are appointed with voting privileges to
19 more committees than perhaps some of their colleagues?

20 DELEGATE SCANLAN: I think you are even more
21 familiar with that procedure than myself, Mr. Marion,

1 having served as administrative assistant to Senator
2 Tydings, who served on at least two committees in the
3 United States Senate and on both committees enjoys full
4 privileges of voting, I would say the answer is yes.

5 DELEGATE MARION: Three committees.

6 DELEGATE SCANLAN: One short, sorry.

7 THE PRESIDENT: Delegate Boileau.

8 DELEGATE BOILEAU: A question in regard to
9 the language in the proposal, resolution. Under the
10 whereas clause --

11 THE PRESIDENT: Is your question directed to
12 the motion to amend?

13 DELEGATE BOILEAU: I think it may have some
14 bearing on the whole of the resolution.

15 THE PRESIDENT: Proceed.

16 DELEGATE BOILEAU: In the whereas clause
17 reference is always made to the substantive committee or
18 committees and in the resolved clauses reference is
19 made only to committee. I suggest that it might be
20 appropriate to clarify that at the proper time.

21 THE PRESIDENT: Delegate Stern.

DELEGATE STERN: I stand to speak against the

1 amendment. The reason is that if it is not made retro-
2 active, certain voting has taken place in various
3 committees, for instance, in my committee, Finance and
4 Taxation, there are fifteen members plus the Vice
5 President. Twenty per cent is a minority report or
6 three members. If the Vice President is counted, it is
7 3.2, which would require then four people to bring out
8 a minority report. It would be unfair for four people
9 to be required for minority reports for voting already taken
10 place whereas if this resolution was passed in the future
11 only three people could bring a minority report out.

12 THE PRESIDENT: Delegate Fornos.

13 DELEGATE FORNOS: I have a question, Mr.
14 President. Has there been some sort of vote that brought
15 this thing about? Has there been a committee meeting where
16 there was a deadlock and someone summoned somebody to
17 break that deadlock?

18 THE PRESIDENT: Is your question directed to
19 the sponsors?

20 DELEGATE FORNOS: I don't know who has the
21 answers. They serve on the committees currently and do

1 not have any knowledge of what they are voting on at the
2 time they are summonsed.

3 THE PRESIDENT: Delegate Vecera.

4 DELEGATE VECERA: The reason for the resolution
5 was irrespective of any particular vote in any committee
6 at this point or votes taken previously, what we speak
7 about is we set things right that have happened before.
8 In order to be consistent in our voting here, however
9 close, this is extremely essential because some crucial
10 votes have already been taken and this goes to the
11 heart of the resolution. Irrespective of any particular
12 vote whether close, tied, or whatnot. This isn't the
13 question. That isn't the issue.

14 THE PRESIDENT: If you wish to be recognized,
15 please rise, Delegate Fornos, and use the microphone.

16 DELEGATE FORNOS: Is there someone who can
17 answer those two questions?

18 THE PRESIDENT: I think the only ones who could
19 answer would be the sponsors. Delegate Vecera is one of
20 the sponsors. Neither of the other two have risen to
21 answer. Delegate Kirkland.

1 DELEGATE KIRKLAND: Mr. President, I will
2 answer Delegate Fornos with relationship to his
3 question. I don't know that there is any real particular
4 reason why that question in the first place should be
5 asked. I think the democratic process is involved here.
6 I would also like to say this to Delegate Marion. I think
7 that regardless of what the General Assembly does,
8 this is the Constitutional Convention. I checked this
9 out with the Parliamentarian and there is absolutely
10 nothing in the rules, as I see it, that provides for them
11 to have more than one vote on any committee.

12 THE PRESIDENT: Delegate Scanlan.

13 DELEGATE SCANLAN: I move the previous question
14 on Delegate Gallagher's amendment to the resolution.

15 THE PRESIDENT: Is there a second?

16 (The motion was duly seconded by Delegate Case.)

17 THE PRESIDENT: The previous question has been
18 moved. The question arises on the motion to amend
19 Resolution No. 18 by striking Lines 6 and 7 on Page 2.
20 A vote Aye is a vote in favor of the amendment to strike
21 the lines. A vote No leaves the two lines in the

1 the resolution. We will take a roll call vote.

2 (Whereupon a roll call vote was taken.)

3 THE PRESIDENT: Has every delegate voted?

4 Does any delegate desire to change his vote? If not, the
5 Clerk will record the vote. There being 89 votes in the
6 affirmative and 44 in the negative. The motion to amend
7 is adopted. The resolution is amended by striking Lines
8 6 and 7 on Page 2.

9 The question now arises on Resolution 18.

10 The Chair recognizes Delegate White.

11 DELEGATE WHITE: Mr. President, I refer to
12 Line 4 on Page 2. I propose to amend this by adding
13 after the word further as follows: "Resolved that
14 delegates who fail to attend a minimum of four meetings
15 weekly be denied the right to vote."

16 THE PRESIDENT: The motion as the Chair has
17 it is that after the word further in Line 4 on Page 2, a
18 new paragraph shall be added reading, "Resolved that
19 delegates who fail to attend a minimum of four meetings
20 weekly shall be denied the right to vote. Is there a
21 second?

1 (The motion was duly seconded.)

2 THE PRESIDENT: The motion is made and seconded.
3 The Chair recognizes Delegate Dukes.

4 DELEGATE DUKES: Mr. President, I am not
5 clear about the motion made. Does it mean he can't vote
6 during the week --

7 THE PRESIDENT: Let me break in, Delegate
8 Dukes, to ask you and through you to ask that all
9 delegates please indicate when you rise whether you are
10 asking a question or debating the question.

11 DELEGATE DUKES: I have a question of the
12 maker of the motion.

13 THE PRESIDENT: Question to Delegate White.
14 Please state the question.

15 DELEGATE DUKES: I am not clear what the motion
16 means, as to whether a man missing four meetings in a week
17 could not vote that week or the week after or thereafter.
18 Does a meeting with more than two members of the
19 committee constitute a meeting? Please explain what you
20 are trying to do.

21 THE PRESIDENT: Delegate White.

1 DELEGATE WHITE: I was attempting to react to
2 the reasoning that was given by the maker of the previous
3 resolution the one who submitted it that he compared the
4 right to vote on the part of the delegate who is
5 serving on more than one committee. He alluded in his
6 discussion to a delegate who is absent from committee
7 meetings where hearings are held and where he does not
8 participate in discussion which leads to the motion which
9 is possibly final.

10 I admit that the number of four was an arbitrary
11 figure, but I had in mind having this Convention express
12 its sense on the right of a person who is continuously
13 absent to come in and to vote on an equal basis with the
14 people who have studied and debated and listened
15 continuously. That was the sense I wanted to get before
16 you.

17 THE PRESIDENT: Any further discussion of the
18 motion to amend? Delegate Scanlan.

19 DELEGATE SCANLAN: I move the previous question
20 on Delegate White's amendment.

21 THE PRESIDENT: Is there a second to the motion?

1 DELEGATE SHERBOW: Mr. President, I would like
2 to ask a question, if I may, before that motion is put.

3 THE PRESIDENT: Ask your question.

4 DELEGATE SHERBOW: I would like to know
5 from the Chair whether such a motion to include the
6 language Delegate White has suggested is proper in light
7 of the fact that all of the "whereas" clauses relate to
8 the situation respecting those delegates who have more
9 than one vote, the next two "resolved" relate only to
10 delegates having this special capacity whereas his
11 resolution for the third paragraph now changes the entire
12 context of the original resolution to include all
13 142 members. I suggest that that would be out of order
14 under these circumstances.

15 THE PRESIDENT: The Chair had under considera-
16 tion the question of whether the motion was germane and
17 it might very well be ruled that the motion is not germane
18 for the reasons stated by Delegate Sherbow. However,
19 in support of the main resolution, the argument is made
20 that the delegates who were members of more than one
21 committee could not attend all meetings and therefore

1 should not have the right to vote. I therefore resolve
2 the question of the motion being germane in favor of the
3 committee. The motion was to move the previous question.
4 Is there a second?

5 (The motion was duly seconded.)

6 THE PRESIDENT: The previous question having
7 been called for, the question arises on the motion to
8 amend Resolution No. 18 by adding after the word further
9 in Line 4 a paragraph reading as follows. Resolved
10 that delegates who fail to attend a minimum of four
11 meetings weekly shall be denied the right to vote. A
12 vote Aye is a vote in favor of the amendment, a vote
13 No is a vote against the amendment.

14 DELEGATE BURDETTE: Point of order, Mr.
15 President.

16 THE PRESIDENT: Delegate Burdette.

17 DELEGATE BURDETTE: Mr. President, is not the
18 question now on the previous question?

19 THE PRESIDENT: Indeed you are quite correct.
20 The Parliamentarian was just trying to get my ear to
21 call my attention to that omission. The question arises

1 on the motion of the previous question. All in favor,
2 signify by saying Aye; contrary, No. The Ayes have it.
3 Motion carried. The question now arises on the motion to
4 amend Resolution No. 18 by adding after the word further
5 in Line 4 on Page 2 a paragraph resolved that delegates
6 who fail to attend a minimum of four meetings weekly
7 shall be denied the right to vote. A vote Aye is a vote
8 in favor of the amendment, a vote No is a vote against
9 the amendment. All in favor, signify by saying Aye;
10 contrary, no. The Noes have it. And the motion is lost.

11 The question now arises on Resolution No.
12 18. Delegate Kirkland, I believe you have already spoken
13 on the resolution.

14 DELEGATE KIRKLAND: I want to correct this
15 thing because there are many typing processes and something
16 has been left out. I would like to correct the resolution,
17 if I may.

18 THE PRESIDENT: In the absence of objection,
19 I suppose the proper way to do it is by amendment, unless
20 you can state it if it is a simple typographical error.
21

1 DELEGATE KIRKLAND: They left out the word
2 substantive committee in Line 29. Also in Line 1 on the
3 second page, substantive committees, and Line 2 after the
4 word one, substantive committee.

5 THE PRESIDENT: I think that is more than
6 merely typographical and should be by motion. The Chair
7 recognizes you to make the motion to amend.

8 DELEGATE KIRKLAND: I move we amend this
9 resolution as just described.

10 (The motion was duly seconded.)

11 THE PRESIDENT: A motion is to amend the
12 resolution by inserting the word substantive after the
13 numeral 1 and before the word committee in Line 29 on
14 Page 1, before the word committees in Line 1 on Page
15 2, and before the word committee in Line 2 on Page 2.
16 Is that the motion? Delegate Storm, do you rise to
17 discuss the motion to amend?

18 DELEGATE STORM: Yes, and I would like to ask
19 the mover if he would accept a little amendment, a
20 housekeeping amendment, that after inserting substantive
21 at those three places, continue on to Line 3 on the second

1 page, put a period after vote and strike out "and be it
2 further."

3 THE PRESIDENT: Do you include that in your
4 motion? Is there any further discussion of the motion
5 to amend? Delegate Chabot?

6 DELEGATE CHABOT: I would like to ask the
7 question of the maker of the motion. Since the logic of
8 the motion seems to depend upon people having to vote
9 at different points with regard to the final Constitution,
10 and since the work of the Committee on Style certainly
11 will affect the outcome of the Constitution, and I believe
12 we have already seen and are fighting now about the
13 effect that the work of the Committee on Rules will have
14 on the final Constitution, we will see the same shortly
15 with regard to the Committee on Calendar, could the maker
16 of the motion give an explanation as to why it would be
17 permissible for delegates to have votes on those
18 committees as well as substantive committees?

19 THE PRESIDENT: Delegate Kirkland, do you desire
20 to answer the question?

21 DELEGATE KIRKLAND: I doubt it, Delegate

1 Chabot. I am wondering why the question again. I think
2 this thing is obvious to you. I am relating only to the
3 eight substantive committees. This to me is where the
4 meat and the heart of this Convention is being made and
5 work is being done. I don't think it is being made in
6 the Rules Committee or in the Style Committee or
7 Calendar and Agenda or the Public Information. This is
8 just my thought. I am sorry if that answer doesn't
9 satisfy you.

10 THE PRESIDENT: Any further discussion on the
11 motion to amend? Ready for the question? The question
12 arises on the motion to amend Resolution No. 18 by
13 adding the word substantive after the numeral 1 and
14 before the word committee in Line 29 on Page 1, before
15 the word committees in Line 1 on Page 2, before the word
16 committee on Line 2 on Page 2, to strike the semicolon
17 and the words and be it further in Lines 3 and 4 on Page
18 2 and to insert a period after the word vote in Line 3.
19 A vote Aye is a vote in favor of the amendment as just
20 described, a vote No is a vote against. Are you ready
21 for the question? All in favor, please signify by saying

1 Aye; contrary, No. The ayes have it. The motion is
2 carried. The amendment is adopted. The question now
3 arises again on Resolution No. 18. Delegate Bennett.

4 DELEGATE BENNETT: Mr. President, it seems
5 to me this resolution comes pretty late in our proceed-
6 ings. Most of the work of our committees is pretty well
7 over. We have appreciated and profited by the attendance
8 of our liaison member and I would not like to see anything
9 done here that would discourage him in taking part in our
10 debates. More, if he is taken off -- and that would be
11 by his own choosing, of course -- it would change the
12 complexion of our committee, the Personal Rights and
13 Preamble Committee.

14 I would like to suggest that this question as
15 to whether the liaison member be permitted to vote be
16 left to the discretion of the committee to which he is
17 assigned and thereby we will overcome a great many of
18 these objections. To that end, Mr. Chairman, I move
19 on Page 2, Line 3, after the word vote to add the
20 following language. Wherever there is objection by the
21 committee involved. In other words, the last section would

1 be that he shall not be a voting member except on one
2 committee to which they are assigned to exercise their
3 vote wherever there is objection by the committee
4 concerned. I so move, Mr. Chairman.

5 THE PRESIDENT: Is there a second to the
6 motion?

7 (The motion was duly seconded.)

8 THE PRESIDENT: Delegate L. Taylor or
9 Delegate White second the motion. Delegate Lord.

10 DELEGATE LORD: I have a question to the maker
11 of the motion and that is what does he mean by objection
12 by the committee? Is it the chairman of the committee,
13 a recognizable part of the committee, or is it a majority
14 vote of the committee?

15 DELEGATE BENNETT: I thought of the vote of
16 the committee but I think the committees are capable
17 under their rules of determining that issue.

18 THE PRESIDENT: Any further discussion of the
19 motion to amend? Delegate Kirkland?

20 DELEGATE KIRKLAND: I wonder if the maker of
21 the motion does not realize these gentlemen could wind

1 up with no vote whatsoever. I am not one to take, I don't
2 want to take all the votes away from them at all.

3 THE PRESIDENT: Any further discussion of the
4 motion to amend? The question arises on the motion to
5 amend Resolution No. 18 by adding after the word vote and
6 before the period in Line 3 on Page 2 the words, wherever
7 there is objection by the committee concerned.

8 A vote Aye is a vote in favor of the amendment.
9 A vote No is a vote against the amendment. Ready for
10 the question? All in favor of the amendment, please
11 signify by saying Aye; contrary, No. The Noes have it.
12 The motion is lost.

13 Any further discussion of Resolution 18?
14 Delegate Clagett.

15 DELEGATE CLAGETT: Mr. Chairman, with a degree
16 of brevity, which I am afraid I have not extended to
17 members of my committee/^Iwish to make this observation
18 with respect to the motion and in opposition to it. That
19 is that I find nothing whatsoever inconsistent with the
20 one man, one vote principle because the members who are
21 serving on more than one substantive committee will only

1 have one vote when this committee or Convention meets
2 as a Committee of the Whole.

3 THE PRESIDENT: Any further discussion of the
4 resolution? Delegate Rybczynski.

5 DELEGATE RYBCZYNSKI: Mr. President, I would
6 suggest that Delegate Bennett put his finger right on the
7 entire situation when he said why should any one, I am
8 paraphrasing now, why should any one member change the
9 complexion of so many committees. I can't think of any-
10 thing more unfair.

11 THE PRESIDENT: Delegate Pullen.

12 DELEGATE PULLEN: Mr. President, shorn of
13 all of its technicalities, this motion reflects good
14 public policy and I am strongly in favor of it.

15 THE PRESIDENT: Delegate Gallagher.

16 DELEGATE GALLAGHER: Mr. President, would it
17 be the intention of the Chair, the President, if this
18 motion is carried, to specifically assign yourself or
19 one of the two Vice Presidents to a committee as a
20 committee member with a vote? It is a point of inquiry.

21 THE PRESIDENT: I would intend to continue

1 each officer as a liaison member of the committees to which
2 they are assigned at the present time because I regard
3 the arrangement of liaison membership in the committees
4 as most important. If the resolution is adopted, I would,
5 after consultation with the member, designate a
6 committee in which they would have a vote which would
7 mean they would not have a vote in the remaining two
8 committees but would remain members of the committee
9 and I would take it they would have all the rights of
10 members to participate in the discussion.

11 MR. GALLAGHER: I think, Mr. President, if
12 that be the case, it would be the hope of the Committee
13 on the Legislative Branch that Vice President Clark
14 would be assigned as a substantive committee member with
15 a vote.

16 THE PRESIDENT: Is there any further discussion
17 on the resolution? Are you ready for the question?
18 The question arises on the adoption of Resolution No.
19 18 with the amendments heretofore adopted to the last
20 paragraph beginning on Line 28 of Page 1. Delegate
21 Vecera.

1 DELEGATE VECERA: Could we please have a roll
2 call vote?

3 THE PRESIDENT: The Chair intends to have a
4 roll call vote. Delegate Hardwicke.

5 DELEGATE HARDWICKE: I would like to ask a
6 question of the Chair, please. If you cause these
7 gentlemen to designate the committee on which they will
8 have a vote, will that mean that the 20 per cent required
9 for a minority report includes that person in the computa-
10 tion of the 20 per cent?

11 THE PRESIDENT: Offhand, I would not anticipate
12 that the adoption of the resolution would change the
13 computation of the 20 per cent. The resolution does not
14 say that the liaison members are not members of the
15 committee and without having looked at it at the moment, I
16 think the provision for minority reports refers to 20
17 per cent of the membership of the committee. I am not
18 absolutely certain. I will check it in just a moment.
19 Rule 28, second sentence says the report of a minority
20 of at least 20 per cent of the members of any committee
21 shall be received and so forth. So it refers to membership

1 rather than voting membership. Delegate Koss.

2 DELEGATE KOSS: I would assume, therefore, that
3 under Rule 28 that the same fact in regard to a majority
4 would have to prevail. Am I correct in that assumption
5 that it would have to be based on the total number of
6 the committee members rather than just the voting members?

7 THE PRESIDENT: The first sentence of Rule
8 28 reads the affirmative vote of the majority of the
9 members of the committee shall be necessary to report a
10 proposal out of committee. I would think the same answer
11 would apply to that sentence. Are you ready for the
12 question? The question arises on Resolution No. 18
13 as amended in the particulars heretofore stated in the
14 last paragraph beginning on Line 28 of Page 1. A vote
15 aye is a vote in favor of the adoption
16 of the resolution as amended. A vote no is a vote against
17 adoption of the resolution. Roll call vote.

18 (Whereupon a roll call vote was taken.)

19 THE PRESIDENT: Have all delegates voted?
20 Does any delegate desire to change his vote? The Clerk
21 will record the vote. The vote in the affirmative being

1 75 and in the negative 55, the resolution is adopted.
2 Delegate Burdette.

3 DELEGATE BURDETTE: I wonder if you might
4 obtain unanimous consent to make a correction in the
5 statement of fact in the second whereas. I think you
6 have already, Mr. President, indicated in your remarks
7 from the Chair, I think that the statement that each of
8 three delegates is serving on each of eight substantive
9 committees is not correct. I think it would be unfortunate
10 to pass it in the permanent record, if I am correct, that
11 it is probably a mistake in fact. Could we have unanimous
12 consent to correct that?

13 THE PRESIDENT: Give me the correction again.
14 What line?

15 DELEGATE BURDETTE: In Line 11. Actually the
16 problem is in Lines 13 and 14. Each of these eight
17 substantive committees. We say three delegates have
18 been assigned to eight substantive committees and there-
19 fore are exercising the right to vote on each of these
20 eight substantive committees. I think no delegate has
21 had more than three votes prior to passage of this

1 resolution. My suggestion is simply that we authorize
2 our clerical staff to state the situation as it is in
3 fact.

4 THE PRESIDENT: Would your problem be solved
5 if in Line 14 after the word committees you inserted
6 the words on which they are respectively serving.

7 DELEGATE BURDETTE: Yes, it would, Mr.
8 President.

9 THE PRESIDENT: Would the sponsors of the
10 resolution accept the change?

11 DELEGATE KIRKLAND: I would, Mr. President.

12 THE PRESIDENT: Is there objection? Then
13 we have unanimous consent to amend Line 14 of the
14 resolution by inserting after the word committees the
15 words on which they are respectively serving. There
16 being no objection, the Chair takes it there is unanimous
17 consent and the correction is made. Delegate Koss.

18 DELEGATE KOSS: Mr. President, with the permis-
19 sion of the Chair, I would just like to make a comment
20 to point out that under the adoption of this resolution
21 that in fact the majority in some of the committees has

1 to be a three-fifths vote. Thank you.

2 THE PRESIDENT: Delegate Mason. For what
3 purpose does the delegate rise?

4 DELEGATE MASON: Mr. Chairman, I rise out of
5 order to announce that we have in the front gallery
6 72 students from Lamell Junior High School who have been
7 here observing our deliberations and they have to leave
8 because they lasted longer than usual. I would like to
9 welcome them on behalf of this Convention. (Applause.)

10 THE PRESIDENT: I would like to add to your
11 announcement, Delegate Mason, that the students are
12 accompanied by their teachers, Mrs. Boon, who happens
13 to be a sister of the Assistant Clerk and by another
14 teach, Mrs. Tillery. The group has been in the Convention
15 halls all day visiting the various committees.

16 I have two other announcements to make. One
17 has to do again with the showing of the film, "The Mighty
18 Oak." The attendance day before yesterday was minimal,
19 nearly so. The attendance yesterday was even more so
20 with two present. I don't know whether this indicates
21 a lack of interest. I am more inclined to think it

1 indicates a possible conflict with the engagements of the
2 delegates in attending meetings of their committees
3 called for promptly after the session.

4 We are considering the feasibility of showing
5 the film in this house. A trial run was had and it was
6 quite evident that in day light it is not feasible. We
7 cannot get a good view of the picture. The arrangement
8 generally is poor. However, daylight saving goes out
9 this weekend and since Monday afternoon's session will
10 be late, it is possible that we may be able to schedule
11 a showing of the film in this chamber when it will be
12 dark enough outside to make the picture clearly visible.
13 This will be discussed with committee chairmen and
14 if it does not involve a conflict with the scheduled
15 meetings of committees, a further announcement will be
16 made. For what purpose does Delegate Scanlan rise?

17 DELEGATE SCANLAN: Question of the Chair, Mr.
18 President. With all due deference to my friend,
19 Delegate Malkus, will attendance be compulsory at the
20 showing of this great film.

21 THE PRESIDENT: The attendance will be left

1 to those who desire to attend. The film is well worth
2 seeing.

3 I have one other announcement I desire to
4 make. That has to do again with the matter I mentioned
5 the other day, the reports of committees and particularly
6 the minority reports. The committees have been moving
7 ahead steadily with their voting. It is, I think, fairly
8 obvious now in most instances where there will be and
9 where there will not be a minority report.

10 I ask the delegates who may perhaps constitute
11 majorities on these issues, please not defer formulation
12 of their reports. I suggest to you that if the Convention
13 as is contemplated adopts a motion on the conclusion
14 of the session on Thursday to recess until Monday, we
15 will have a long weekend in which to diligently apply
16 yourselves to preparation of your minority reports.

17 Are there any announcements by committee
18 chairmen? For what purpose does Delegate Wheatley rise?

19 DELEGATE WHEATLEY: Mr. President, I have one
20 possible correction for the record. I am not sure whether
21

1 I am correct in my correction but on Delegate Proposal
2 No. 405, since the Clerk read that, Line 8, should, I
3 believe he says, but not adapted to reflect necessary
4 differences. The not should be omitted. If I am in
5 error, this correction would be unnecessary.

6 THE PRESIDENT: Delegate Proposal --

7 DELEGATE WHEATLEY: 405. The tape will
8 probably show this. If any correction is not in order,
9 it will not be necessary but I think it is important that
10 the record show that.

11 THE PRESIDENT: If so your statement on the
12 tape will take care of it.

13 DELEGATE WHEATLEY: Point of parliamentary
14 inquiry. Since committees will be reporting out, as
15 indicated today, the question has arisen in our committee
16 by members of the committee and staff as to a ruling
17 that would affect the recall of a committee report once
18 it has been submitted to the floor as one has today.
19 We would like to get a ruling at this time from the Chair
20 as to whether or not the committee continues to exercise
21 revisory power and if so, at what point does this revisory

1 power cease?

2 THE PRESIDENT: Answering you just offhand
3 and subject to correction on more careful study of the
4 rules, I would say that the committee does not have
5 revisory powers. There is a provision in the rules that
6 the Committee of the Whole may not re-refer a proposal
7 to another committee. However, this problem or at least
8 the problem I think you have in mind was discussed by the
9 chairmen of the various committees because they all
10 recognize the problems that would arise if amendments
11 were offered in the Committee of the Whole to committee
12 recommendations and submitted for debate without
13 opportunity for the committee to consider them again.

14 The answer to the problem seems to be this.
15 First off, there will not be initially at least such a
16 pressure on the order of debate as will make it impossible
17 for the committee members to confer among themselves as
18 to an amendment being discussed on the floor. In all
19 probability most of the committee recommendations will
20 embrace much more than one section. It is the plan to
21 have these discussed in the Committee of the Whole seriatim

1 so that as each section is discussed and amendments to
2 it considered, it is not a final action on the committee
3 recommendation. Final action on the committee recommenda-
4 tion would not come until after all of the sections had
5 been discussed and amendments to it considered and
6 acted upon seriatim. This would afford an opportunity

7 for the committee to consider any such amendments
8 because as I am sure the delegate realizes, the debates
9 on any committee recommendation are apt to be a matter of
10 days rather than a matter of an hour or two.

11 In addition to this, the Committee on Rules
12 has under consideration and has not yet reported a rule
13 governing the making of amendments. If what they are
14 considering is adopted by that committee initially and
15 by the Convention itself subsequently, the probability
16 is that there would be ample time for a committee to
17 consider any amendments which might be offered, first,
18 because most amendments would be printed and on the
19 desks of delegates before the debate on the committee
20 recommendation started and secondly, because of the
21 requirement that amendments not so printed in advance must

1 be printed and on the desks of delegates before they can
2 be voted on.

3 Your problem is one which has the consideration
4 of the Rules Committee and I think if you will wait
5 until their report, you will see much more clearly what the
6 answer will be.

7 DELEGATE WHEATLEY: Thank you, Mr. President.

8 THE PRESIDENT: Delegate Johnson.

9 DELEGATE JOHNSON: Mr. President, did I under-
10 stand the Chair to recommend that the majority report
11 not be held up while the minority report is being prepared?

12 THE PRESIDENT: I certainly do so recommend
13 and the reason I do is because the indications which the
14 Chair has received from the committee chairmen is that
15 the committee reports will very shortly be ready. They
16 are to be accompanied by supporting memoranda. These
17 require study. It will be a matter of at least three
18 days and probably longer before any committee recommenda-
19 tion can be acted upon.

20 DELEGATE JOHNSON: Does the Chair understand
21 that the administrative assistant to the respective

1 committees is preparing the majority report and will not
2 be able to prepare the minority report until he completes
3 the majority report?

4 THE PRESIDENT: I would take it that the staff
5 advisor and not the administrative assistant will be
6 the one preparing the report. We do recognize the
7 problem. In any instance in which a minority is ready
8 to move ahead with consideration of the report and is
9 not able to obtain the assistance of the staff advisor
10 or the administrative assistant, I would ask that you
11 speak to Mr. Brooks, the Chief of Staff, and he will
12 endeavor to the greatest possible extent to assign to you
13 a member of the research staff to assist in preparation
14 of the report.

15 DELEGATE JOHNSON: Is it the Chair's desire
16 to see the majority and minority reports considered by
17 the Committee of the Whole at the same time?

18 THE PRESIDENT: Yes, indeed.

19 Any announcements by committee chairmen?
20 Let me say in amplification of that last comment that
21 the whole procedure under which the Committee of the Whole

1 and ultimately the Convention will operate is going to
2 depend a great deal on the cooperation of the delegates
3 in getting their reports, minority and majority, in
4 promptly. Thereafter the task of scheduling is
5 primarily the task of Delegate Powers and his Committee
6 on Calendar and Agenda. They will, to the greatest
7 possible extent so schedule all debates, all matters that
8 are general orders before the Committee of the Whole that
9 not only will the delegates have both majority and
10 minority reports before them, but they will have had
11 both reports before them for a sufficient time to have
12 read them. This is the reason why it is of the utmost
13 importance that the minority reports come in promptly.

14 The Chair recognizes Delegate Kiefer.

15 DELEGATE KIEFER: Mr. President, I have a
16 very happy honor of announcing that today is the 43rd
17 wedding anniversary of Delegate Godfrey Child and his
18 lovely wife who is sitting up in the gallery. (Applause.)
19 I asked if she ever considered divorce. She said, murder,
20 maybe, but divorce, never.

21 The committee will assemble as soon as possible

1 after this meeting so that we can greet Judge Child
2 and his wife at the committee room with appropriate
3 greetings. Thereafter we will continue our hearings on
4 excessive bail bonds with State's Attorney Charles
5 Moylan in attendance. Thereafter we will also hear
6 from Delegate Gallagher who wishes to speak on Proposal
7 No. 401, after which we will continue our discussions
8 on the various matters before the committee extending
9 on into this evening.

10 Tomorrow we will have hearings on eminent
11 domain. There are nine proposals that have been submitted
12 on this. Proposals 18, part of 18, 28, 119, 124, 136,
13 151, 197, 249, 303. If anybody who has submitted one of
14 these proposals wishes to speak before the committee and
15 has not already been invited to do so, we will be handy
16 to hear from you tomorrow morning. I think arrangements
17 have been made but I wanted to be sure the door is open.

18 DELEGATE SHERBOW: Mr. President, the
19 Committee on State Finance and Taxation will meet promptly
20 after adjournment of this session to continue its
21 discussions and to take votes on pending matters. Tomorrow

1 at 10 o'clock we will reconvene for further discussion on
2 the subject of lottery and budget and other matters
3 pending before the committee and for votes on pending
4 matters.

5 THE PRESIDENT: Delegate Mudd.

6 DELEGATE MUDD: Mr. President, I have the
7 honor of announcing today is the birthday of committee
8 member John Hargrove, age unannounced. (Applause.)
9 Our committee will convene approximately 15 minutes after
10 the adjournment of this session to continue our delibera-
11 tions on the matter of selection and tenure of judges and
12 appropriate greetings will be extended to Delegate
13 Hargrove later in the evening. Thank you.

14 THE PRESIDENT: Delegate Moser.

15 DELEGATE MOSER: Mr. President, the Committee
16 on Local Government will next meet at 7 p.m. this evening
17 to hear from Mayor Thomas F. Conley of Cumberland and
18 from Professor A. L. Fleming of Salisbury State College.
19 I hasten to add, not on the subject of education, but on
20 the subject of municipalities.

21 There will be subcommittee meetings this

1 afternoon and tomorrow morning and the committee will
2 reconvene as such tomorrow morning at 11 a.m.

3 THE PRESIDENT: Delegate Morgan.

4 DELEGATE MORGAN: Mr. President, the Committee
5 on the Executive Branch will meet immediately following
6 adjournment of this plenary session. We will hear from
7 Delegate Marvin Singer on his Delegate Proposal No. 277.
8 Then we will continue our deliberations which we hope to
9 finish tomorrow noon.

10 THE PRESIDENT: Further announcements? Delegate
11 Koss?

12 DELEGATE KOSS: Mr. President, the Committee
13 on Suffrage and Elections will meet 30 minutes after the
14 adjournment of this afternoon session and tomorrow morning
15 at 10 o'clock.

16 THE PRESIDENT: Delegate Penniman.

17 DELEGATE PENNIMAN: Mr. President, the Committee
18 on Style, through the generosity of the Committee on the
19 Judiciary, will meet in the hearing room of the Committee
20 on the Judiciary, which is H-9, ten minutes after the
21 conclusion of this session.

1 I would like to ask that all members of the
2 committee be there because there will be a telephone
3 conversation with the Vice President of Michie Company
4 concerning the nature of the numbering process and various
5 other aspects of style. We will hold only a brief
6 meeting because I am aware that a number of members of
7 the committee have substantive questions to vote upon
8 in their own substantive committees but I would like
9 to have all of you there ten minutes after this session
10 closes.

11 THE PRESIDENT: Delegate Gallagher.

12 DELEGATE GALLAGHER: Mr. President, the
13 Committee on the Legislative Branch will meet promptly
14 after the completion of this session to hear one witness
15 and thereafter at approximately 4 o'clock will commence
16 voting on six substantive matters in binding fashion.
17 We urge all members, please, to be present and I
18 should urge the Chair to give consideration to the status
19 of Delegate Clark at that particular time.

20 THE PRESIDENT: Delegate Dulany..

21 DELEGATE DULANY: Mr. President, the Committee

1 on Public Information will meet at 9 o'clock tomorrow
2 morning.

3 THE PRESIDENT: Delegate Boyer.

4 DELEGATE BOYER: Mr. President, the Committee
5 on General Provisions will meet two and a half minutes
6 after the session. I might note, Mr. President, a
7 personal observation that I believe today is a very
8 historic occasion in this honorable Convention. Today
9 your hard working Committee on General Provisions has
10 been the first one to report to the Committee of the
11 Whole a committee recommendation. It has been a very
12 controversial one and probably the catalyst triggered
13 the debate on Resolution 18.

14 But may I suggest, Mr. President, that we
15 will meet today and again tomorrow morning in probably a
16 more harmonious atmosphere and will continue our hard
17 working endeavors to get other bills to the committee.
18 Thank you.

19 THE PRESIDENT: Any further announcements by
20 committee chairmen? If not, the chair recognizes Delegate
21 Powers, Chairman of the Committee on Calendar and Agenda.

1 DELEGATE POWERS: Mr. President, I move we
2 adjourn to 2 p.m. tomorrow.

3 THE PRESIDENT: All in favor, signify by
4 saying Aye; opposed, No. The ayes have it. So ordered.

5 (The Constitutional Convention adjourned
6 at 3:20 p.m.)

7 -----

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4 OF THE
5 STATE OF MARYLAND
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University of Maryland Library
College Park, Md

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11 State Capitol
12 Annapolis, Maryland
13 October 26, 1967 - 2 p.m.
14
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17 HONORABLE H. VERNON ENEY,
18 PRESIDENT
19

20 Reported by:
21 W. P. Banister

1 THE PRESIDENT: The Convention will please
2 come to order.

3 The invocation today will be offered by the
4 Right Reverend Monsignor Thomas D. Dade of St. Bernard's
5 Catholic Church, Riverdale, Maryland, Prince Georges
6 County.

7 (Whereupon the invocation was offered by
8 Reverend Dade.)

9 THE PRESIDENT: Roll call.

10 (Whereupon a roll call was taken.)

11 THE PRESIDENT: Have all delegates answered the
12 roll call? The Clerk will record the roll call. There
13 being a quorum present, the Convention is in session.

14 The Chair recognizes Delegate Powers, Chairman
15 of the Committee on Calendar and Agenda.

16 DELEGATE POWERS: Mr. President, I move the
17 adoption of today's calendar.

18 (The motion was duly seconded.)

19 THE PRESIDENT: All in favor, signify by saying
20 Aye; contrary, No. The Ayes have it. The calendar is
21 adopted. Delegate Rybczynski.

1 DELEGATE RYBCZYNSKI: Mr. President, I rise
2 on a point of personal privilege.

3 THE PRESIDENT: State the privilege, please,
4 sir.

5 DELEGATE RYBCZYNSKI: Mr. President, if it
6 were not so serious, it would be funny. However, it
7 seems that a delegate took occasion yesterday to read
8 something evil and devious into my vote on Resolution
9 No. 18; and not only thought so but used certain expres-
10 sion in talking to a Baltimore Sun reporter.

11 I should like to explain, Mr. President, that
12 I supported and sought support for Senator James as
13 President of this Convention. When he has visited our
14 committee room, we have been on nothing but the most
15 friendly and amicable basis. We have talked to each other
16 constantly in the halls. I hoped that as this Convention
17 progressed we would become not just acquaintances but
18 fast friends.

19 Mr. President, I resent the language applied
20 to me. I stated an untruth. The dictionary definition
21 of this word is ugly. I don't appreciate it a little

1 bit. I inquired of the maker of the statement as to
2 whether or not he did make it. He told me yes. And he
3 attempts to support that word with nothing more than a
4 supposition on his part. I have spoken to Senator
5 Clark. He has found nothing wrong in what I have said
6 to him or our actions toward each other in the past. I
7 believe the entire matter belittles this Convention. Mr.
8 President, I am sorry that the remark was ever made.

9 THE PRESIDENT: Next order of business is
10 reports of other standing committees. The second
11 committee recommendation to be presented to the Convention
12 is before you today, the Committee Recommendation No.
13 SF 1. The Clerk will read the recommendation.

14 MR. QUILLEN: The Committee Recommendation
15 No. SF 1 by the Committee on State Finance and Taxation,
16 Joseph Sherbow, Chairman. A recommendation that the
17 Constitution include a provision for post audit of
18 state finances.

19 THE PRESIDENT: Committee Recommendation No.
20 SF 1 is referred to the Committee of the Whole. I call
21 to your attention that there is accompanying Committee

1 Recommendation SF 1 Committee Memorandum SL 1, comprising
2 two pages.

3 Reports from any other standing committees?
4 For what purpose does Delegate Sherbow rise?

5 DELEGATE SHERBOW: Point of inquiry. At this
6 end of the hall we have the material in support of the
7 recommendation, but we do not have the recommendation
8 itself.

9 THE PRESIDENT: Chief Page. The committee
10 recommendation unfortunately when it was first reproduced
11 omitted the date. It is being reprinted in the print
12 shop and will be here very shortly.

13 DELEGATE SHERBOW: That we have received with
14 the date on it, but the actual recommendation itself
15 we do not have.

16 THE PRESIDENT: The recommendation is being
17 reprinted with the date and will be here very shortly.

18 DELEGATE SHERBOW: Thank you.

19 THE PRESIDENT: Next order of business,
20 introduction and first reading of proposals.

21 Before reading those, I desire to announce

1 that at my request Delegate Proposal No. 277 has been
2 returned to me and I re-refer it to the Committee on
3 Local Government.

4 There are, in addition on your desk, three
5 memoranda by Delegate Finch accompanying Delegate
6 Proposals No. 14, 148, and 150, and a memorandum by
7 Delegates Freedlander and Gullett accompanying Delegate
8 Proposal No. 397.

9 As I was about to say a moment ago, we seem
10 to have reversed the trend of a few days ago, unfortunately,
11 and now have not one but twelve new proposals.

12 Before reading those, let me call to your
13 attention that the committee recommendations for your
14 convenience are printed on blue paper. We now have two
15 of these, one introduced yesterday, and the committee
16 recommendation SF 1 is being distributed by the pages
17 at this moment.

18 Delegate Proposal No. 409. The Clerk will
19 read the proposal.

20 MR. QUILLEN: Delegate Proposal No. 409, by
21 Delegate Finch. A proposal that the Constitution provide

1 that there shall be a State Policy making Council consist-
2 ing of five (5) members, including the Governor (who
3 shall serve as Chairman), the Attorney General, a
4 financial representative (such as the Comptroller of the
5 Director of the Budget), the President of the Senate and
6 the Speaker of the House. The duties of the Council shall
7 be prescribed by law.

8 THE PRESIDENT: Delegate Proposal No. 409 is
9 referred to the Committee on the Executive Branch.

10 Delegate Proposal No. 410. The Clerk will
11 read the proposal.

12 MR. QUILLEN: Delegate Proposal No. 410, by
13 Delegate Finch. A proposal that the Constitution include
14 a provision that the police power of this State shall
15 never be abridged, nor construed to permit conduct of any
16 business or enterprise in any manner which infringes
17 the equal rights of persons or the general welfare and
18 well-being of this State.

19 THE PRESIDENT: Delegate Proposal No. 410
20 is referred to the Committee on Personal Rights and the
21 Preamble.

1 Delegate Proposal No. 411. The Clerk will
2 read the proposal.

3 MR. QUILLEN: Delegate Proposal No. 411, by
4 Delegate Finch. A proposal that the Constitution shall
5 include a provision that the State shall provide for the
6 protection and promotion of public health, including
7 providing assistance and aid for persons unable to maintain
8 a standard of living compatible with decency and health.

9 THE PRESIDENT: Delegate Proposal No. 411 is
10 referred to the Committee on Personal Rights and the
11 Preamble. Delegate Proposal No. 412. The Clerk will
12 read the proposal.

13 MR. QUILLEN: Delegate Proposal No. 412, by
14 Delegate Finch. A proposal that the Constitution
15 authorize the legislature to enact legislation enabling
16 the State to draft its citizenry for the purpose of assist-
17 ing law enforcement officers in time of internal strife,
18 disaster, invasion, and rebellion.

19 THE PRESIDENT: Delegate Proposal No. 412 is
20 referred to the Committee on General Provisions.

21 Delegate Proposal No. 413. The Clerk will

1 read the proposal.

2 MR. QUILLEN: Delegate Proposal No. 413, by
3 Delegate Finch. A proposal that the Constitution include
4 a provision that there shall be at least two (2) judges
5 of the Supreme Court of this State who shall be lay
6 persons to add wisdom, experience, and objectivity to the
7 Court in making decisions which affect the rights of the
8 people of this State.

9 THE PRESIDENT: Delegate Proposal No. 413 is
10 referred to the Committee on the Judicial Branch.

11 Delegate Proposal No. 414. The Clerk will
12 read the proposal.

13 MR. QUILLEN: Delegate Proposal No. 414, by
14 Delegate Finch. A proposal that the Constitution include
15 a provision that the power to suspend laws of this State
16 shall only be exercised by the Legislature or by
17 authority derived therefrom.

18 THE PRESIDENT: Delegate Proposal No. 414 is
19 referred to the Committee on Personal Rights and the
20 Preamble.

21 Delegate Proposal No. 415. The Clerk will

1 read the proposal.

2 MR. QUILLEN: Delegate Proposal No. 415, by
3 Delegate Finch. A proposal that the Constitution include
4 a provision that the State shall obtain, conserve and
5 develop objects and places of historical, cultural and
6 heritage interest.

7 THE PRESIDENT: Delegate Proposal No. 415
8 is referred to the Committee on General Provisions.
9 Delegate Proposal No. 416. The Clerk will read the
10 proposal.

11 MR. QUILLEN: Delegate Proposal No. 416,
12 by Delegate Finch. A proposal that the Constitution
13 include a provision that every person within this State
14 shall obtain right, justice and a remedy for all wrongs
15 or injuries which he may suffer to his persons, property,
16 character, and family, such right to be free and without
17 purchase, complete and without denial, prompt and without
18 delay, by having recourse to the laws and equitable
19 principles.

20 THE PRESIDENT: Delegate Proposal No. 416
21 is referred to the Committee on Personal Rights and the

1 Preamble.

2 Delegate Proposal No. 417. The Clerk will
3 read the proposal.

4 MR. QUILLEN: Delegate Proposal No. 417, by
5 Delegate Finch. A proposal that the highest court of the
6 State shall have appellate jurisdiction in all cases under
7 the State constitution and the Constitution of the
8 United States, and in all other cases as provided by
9 law. Said court shall be composed of seven justices;
10 five justices shall constitute a quorum. The concurrence
11 of five justices in the instance of a constitutional
12 issue, and four justices in all other instances shall be
13 necessary for the decision of a case.

14 THE PRESIDENT: Delegate Proposal No. 417 is
15 referred to the Committee on the Judicial Branch.

16 Delegate Proposal No. 418. The Clerk will
17 read the proposal.

18 MR. QUILLEN: Delegate Proposal No. 418, by
19 Delegate Singer. A proposal that the Constitution
20 include a provision restricting the General Assembly's
21 power to impose financial obligations on the counties,

1 to read as follows: .

2 THE PRESIDENT: Delegate Proposal No. 418 is
3 referred to the Committee on Local Government.

4 Delegate Proposal No. 419. The Clerk will
5 read the proposal.

6 MR. QUILLEN: Delegate Proposal No. 419, by
7 Delegate Finch. A proposal that the constitution include
8 a provision that the citizens of this state shall continue
9 to enjoy and freely exercise all riparian rights of
10 creeks, rivers, lakes, bays, and the ocean to which they
11 have heretofore been entitled, including the rights of
12 "huntery" and fishery.

13 THE PRESIDENT: Delegate Proposal No. 419
14 is referred to the Committee on Personal Rights and the
15 Preamble.

16 Delegate Proposal No. 420. The Clerk will
17 read the proposal.

18 MR. QUILLEN: Delegate Proposal No. 420, by
19 Delegate Finch. A proposal that the Constitution provide
20 that automation of goods and services within this State
21 shall not be to the general detriment of the citizenry

1 thereof.

2 THE PRESIDENT: Delegate Proposal No. 420
3 is referred to the Committee on the Legislative Branch.

4 I call to the attention of the Convention that
5 of the 91 days allotted by the Enabling Act for the
6 session of this Convention today is the 45th. We there-
7 fore are at the halfway point. In the period since
8 September 12 when this Convention assembled, the Committees
9 of this Convention have held nearly 250 hearings and they
10 have heard nearly 600 witnesses. Most of the committees,
11 as I am sure all of you are aware, are now nearing the
12 end of the discussion stage and beginning very active
13 drafting of recommendations and reports.

14 It is imperative that this work proceed with
15 all possible dispatch and again I want to urge all
16 delegates who may be contemplating submission of minority
17 reports to be working on them now. Please do not wait
18 for the completion of majority reports before you begin
19 to think in terms of the minority report you may offer.

20 The Chair recognizes Delegate Malkus.

21 DELEGATE MALKUS: Mr. Chairman, I rise upon a

1 point of inquiry. Will the Chair yield to a question?

2 THE PRESIDENT: I don't think the Chair has to
3 yield to a question, Delegate Malkus. State your
4 inquiry.

5 DELEGATE MALKUS: I noted with interest that
6 you have just stated that we have reached the halfway
7 point, 45 out of 91. The reason that I rise is that
8 after 45 days we still have not complied with the law,
9 Section 12 of Chapter 4 of the 1967 Act which states the
10 Convention shall appoint an historian whose duties it
11 shall be to collect, compile, document, preserve all
12 proceedings of the Convention and its several committees.

13 My question, sir, is directed to you and it
14 is this. First, are we going to have a historian which
15 the law requires and secondly, if we are, when are we
16 going to have that historian?

17 THE PRESIDENT: The answer to the question
18 is the Convention will have a historian and he will be
19 appointed just as soon as we can obtain consent of a
20 qualified person to serve in that capacity which I hope
21 will be very shortly.

1 Are there any motions? The Chair recognizes
2 Delegate Marion.

3 DELEGATE MARION: Mr. President, I move that
4 the vote by which Resolution No. 18 was adopted on
5 October 25, 1967, be reconsidered and that Resolution
6 No. 18 be referred to the Committee on Rules, Credentials,
7 and Convention Budget for consideration and report of its
8 consequences in the light of Convention Rule 28.

9 (The motion was duly seconded.)

10 THE PRESIDENT: The Chair believes that the
11 motion in the present form is improper in that there
12 should be two separate motions, a motion to reconsider,
13 and then if the vote is reconsidered, a separate motion
14 embracing the second part of your motion. If you will
15 restate your motion as a motion to reconsider, the Chair
16 will permit it.

17 DELEGATE MARION: The Chair is correct and I
18 understand that. I wanted the purpose of the motion for
19 reconsideration to be stated in the motion as drafted
20 and presented to the delegates, the purpose therefor
21 to be set out in the memorandum which accompanies that

1 motion. I will recast the motion as follows. I move
2 that the vote by which Resolution No. 18 was adopted on
3 October 25, 1967, be reconsidered.

4 THE PRESIDENT: Is there a second?

5 (The motion was duly seconded.)

6 THE PRESIDENT: The Chair recognizes Delegate
7 Marion to speak to the motion.

8 DELEGATE MARION: Mr. President, I have set
9 out what I believe are the grounds for the motion for
10 reconsideration in a memorandum which should be on the
11 desk of each delegate. I base the motion for reconsidera-
12 tion on two principal factors. Despite a technical
13 amendment in one of the factual premises on which
14 Resolution No. 18 was based, after the vote was taken
15 yesterday, there still remains a factual inaccuracy in
16 one of the whereas clauses which states as a fact that
17 three delegates have been assigned to eight substantive
18 committees and therefore are exercising the right to
19 vote on each of these eight substantive committees.
20 That is not true and even though it may be obvious to each
21 of us here in the Convention, it distressed me to hear

1 last night as I drove home from this Convention on the
2 7 o'clock news that a very prominent radio station was
3 advising the people of Maryland in its news broadcast
4 that the three officers of the Convention had the right
5 to vote on each of the eight substantive committees in
6 this Convention.

7 A more important basis for reconsideration,
8 I think, is the fact that many of the consequences of the
9 motion were not apparent, perhaps to others but certainly
10 not to me, and not to many other delegates with whom I
11 have spoken at the time it was considered. The chairman
12 of the Rules Committee yesterday indicated that he did
13 not see that the resolution needed to be referred to the
14 Committee on Rules but once we had adopted the resolution
15 here in Convention, it became apparent that a fundamental
16 question rose with respect to the language of Convention
17 Rule 28.

18 I don't know the mathematics and haven't
19 checked them with respect to each committee but certainly
20 in one committee, the Committee on Suffrage and Elections,
21 a very unfortunate situation exists in the mathematics of

1 the membership. So that as my memorandum states, it is
2 possible to have an eight to seven vote in that committee
3 of all the voting members and not be able to report a
4 proposal to this Convention because there would be not
5 a majority of all the members of that committee. That
6 means that a minority can control that committee. This
7 may be true on other committees as well.

8 I just don't think a great many delegates
9 to this Convention understood that and realized that
10 fact when they voted on Resolution No. 18 yesterday.
11 I think it has consequences that affect Rule 28. To
12 me and to others it is pointed out the wisdom of the
13 rules of this Convention which were adopted in July,
14 which indicate that there should be a three-day layover
15 after the introduction of a matter before this Convention
16 before it arrives at a vote. I think many of us perhaps
17 feel the pressure of time upon us and many of us are
18 anxious to vote on matters perhaps before due considera-
19 tion, deliberation, and debate has occurred with respect
20 to them.

21 I submit, Mr. President, that this matter

1 should have been referred to the Rules Committee and that
2 we can do that by action today first by voting affirmatively
3 on the motion to reconsider and then secondly by voting
4 to refer the resolution to the Committee on Rules.

5 THE PRESIDENT: Any further discussion?
6 Delegate Gleason.

7 DELEGATE GLEASON: I wonder if I might address
8 an inquiry to the Chairman of the Rules Committee, please.
9 Could the delegate advise --

10 THE PRESIDENT: I think I should inform the
11 Convention that the practice of asking questions of other
12 delegates under the rules can be charged only against the
13 time of the delegate to whom the inquiry is addressed.
14 That is why yesterday in the course of discussion I asked
15 the delegate addressed in each instance whether he cared
16 to answer. I make that point now so that each of you will
17 keep it in mind that when you are answering an inquiry
18 the time is charged against the answerer's time in debate.
19 Proceed, Delegate Gleason.

20 DELEGATE GLEASON: May I ask the Chairman of
21 the Rules Committee whether he will give me a little of

1 his time?

2 DELEGATE SCANLAN: I have no objection to trying
3 to answer it.

4 DELEGATE GLEASON: What I would like to know
5 from the Chairman is just how fast, I think this is a
6 matter of some urgency and importance to the Convention,
7 just how fast the Rules Committee will act on this
8 recommendation if the matter is reconsidered and recommitted
9 to the committee.

10 DELEGATE SCANLAN: We have one difficulty.
11 The Chairman and Vice Chairman of the Rules Committee
12 are members of the Legislative Committee, as you know, and
13 we are in the midst of important votes at this present
14 time. Tomorrow there is no formal session of the
15 Convention. I would think we could have an answer to the
16 floor of the Convention by Monday.

17 DELEGATE GLEASON: Thank you very much. I would
18 like to say to the sponsor of the motion I think the
19 problem that has arisen here is not with respect to the
20 proposal of the sponsors of yesterday but it is of the
21 interpretation of Rule 28 as provided to the Convention

1 by the presiding officer. Not that I think that inter-
2 pretation is incorrect but I think that it was not the
3 intention of the rules themselves to have this individual
4 sitting there as a member of the committee if in fact he
5 was not a nonvoting member.

6 I would hope when the Rules Committee takes
7 this matter under consideration, I think it ought to go
8 to the Rules Committee, I hope they will come out with
9 an amendment to Rule 28 that will set this matter right
10 once and for all.

11 I frankly think the Convention goofed on this
12 matter. I had never understood that a member of two
13 committees, on two substantive committees, would have
14 two separate votes. I think that's contrary to the
15 interests of this Convention but I will support the
16 move to reconsider because I think the committee ought
17 to do this job right once and for all. Thank you.

18 THE PRESIDENT: Any further discussion?
19 Delegate Beatrice Miller.

20 DELEGATE BEATRICE MILLER: Point of inquiry,
21 please.. Is it necessary to amend the motion so that the

1 Rules Committee can reconsider Rule 28.

2 THE PRESIDENT: As I understand it, Delegate
3 Marion, if the motion to reconsider passes, will then
4 move to refer Resolution 18 to the Committee on Rules.

5 DELEGATE BEATRICE MILLER: At that time it
6 could be amended to also include Rule 28? May I now
7 amend the motion for reconsideration --

8 THE PRESIDENT: Just a second. The only
9 matter before us now is the motion to reconsider. Do
10 I understand your inquiry to be that if following that,
11 and a reconsideration, Resolution 18 is referred to the
12 committee, the Committee on Rules, could they submit an
13 amendment to Rule 28?

14 DELEGATE BEATRICE MILLER: Yes.

15 THE PRESIDENT: That is your inquiry?

16 DELEGATE BEATRICE MILLER: Yes, sir.

17 THE PRESIDENT: I think they could submit an
18 amendment to Rule 28. I think under the rules it would
19 have to lay over unless the rules were suspended for
20 consideration. I would have no doubt this Convention
21 would so suspend the rules.

1 DELEGATE BEATRICE MILLER: Thank you.

2 THE PRESIDENT: Any further discussion?

3 Delegate Fox.

4 DELEGATE FOX: I was one of the delegates who
5 voted in favor of the motion yesterday. I rise in support
6 of the motion today saying I would like an opportunity
7 to reconsider the vote.

8 THE PRESIDENT: Any further discussion? Are
9 you ready for the question? The question arises on the
10 motion to reconsider the vote by which Resolution No.
11 18 was adopted on October 25, 1967. A vote Aye is a
12 vote in favor of reconsideration. A vote No is a vote
13 against reconsideration. If the vote in favor of
14 reconsideration passes, the Chair will recognize Delegate
15 Marion for the purpose of making the other part of his
16 motion. If the motion to reconsider fails, that is an
17 end to the matter. Are you ready for the question? A
18 vote Aye is a vote in favor of reconsideration, a vote
19 No, a vote against reconsideration. I think a roll
20 call vote is indicated.

21 (Whereupon a roll call vote was taken.)

1 THE PRESIDENT: Have all delegates voted?
2 Do any delegates desire to change their vote?

3 MR. RYBCZYNSKI: Mr. President.

4 THE PRESIDENT: Delegate Rybczynski. For
5 what purpose does the delegate rise?

6 DELEGATE RYBCZYNSKI: Point of inquiry. What
7 will happen to the committee votes while this matter,
8 should it be sent back to the committee, what will happen
9 to the committee votes in the meantime?

10 THE PRESIDENT: I would take it that if the
11 vote is reconsidered, the matter is in the same status
12 as it was yesterday before the Convention acted.

13 Have all delegates indicated their votes?
14 Do any delegates desire to change their vote? The
15 Clerk will record the vote. There being 89 votes in
16 the affirmative and 40 votes in the negative, the motion
17 to reconsider is passed. The Chair recognizes Delegate
18 Marion.

19 DELEGATE MARION: Mr. President, I move that
20 Resolution No. 18 be referred to the Committee on Rules,
21

1 Credentials and Convention Budget for consideration and
2 report of its consequences in the light of Convention
3 Rule 28.

4 (The motion was duly seconded.)

5 THE PRESIDENT: Delegate Schloeder seconds the
6 motion. The Chair recognizes Delegate Marion for any
7 comments in support of the motion.

8 DELEGATE MARION: I think all that need be
9 said was said prior to the vote on the motion for
10 reconsideration.

11 THE PRESIDENT: Is there any further discussion?
12 Delegate Malkus?

13 DELEGATE MALKUS: Mr. Chairman, before we
14 vote on this matter on rules, which really and truly is
15 a graveyard, I would like to ask you, sir, what was the
16 philosophy behind having the three top men in this body,
17 you, sir, and the First Vice and Second Vice, appointed
18 to more committees than the rest of us proletarians?

19 THE PRESIDENT: I think the answer to the
20 inquiry of Delegate Malkus was furnished in the written
21 statement that I sent to all delegates with the memoranda,

1 various memoranda, appointing committees. I stated
2 quite explicitly the reasons for appointment of officers
3 as liaison members of the committee. It has served that
4 purpose very well.

5 I might further state since this inquiry has
6 been made, that the President, although a liaison member
7 of the Committee on the Judicial Branch, the Committee
8 on Local Government, and the Committee on Style, Drafting
9 and Arrangement, has never voted in any committees and
10 does not intend to do so.

11 Is there any further discussion?

12 DELEGATE SCANLAN: Mr. President?

13 THE PRESIDENT: Delegate Scanlan.

14 DELEGATE SCANLAN: I somewhat resent in
15 behalf of my colleagues to have our little committee
16 called a graveyard although I do concede there is a
17 spook or two about the place. (Laughter.)

18 THE PRESIDENT: Delegate White.

19 DELEGATE WHITE: Mr. President, I wonder how
20 my very fine friend Delegate Scanlan meant the word spook.
21 (Laughter.) I hope he meant it the right way.

1 I wonder if I am in order, if I would make too
2 much a burden if I offered an amendment that might be
3 seconded whereby the Rules Committee would give some
4 attention to the attendance on the part of delegates in
5 substantive committee meetings in relationship to the
6 vote and how it may influence the final vote following
7 deliberations in such a committee.

8 THE PRESIDENT: Is that your motion?

9 DELEGATE WHITE: I would move, if I am in
10 order, that this proposal should be amended, this resolu-
11 tion, so that the Rules Committee will be directed to
12 give some attention to the relationship of attendance and
13 the right of members of committees to cast votes.

14 THE PRESIDENT: Is there a second?

15 (The motion was duly seconded.)

16 THE PRESIDENT: The motion to amend the
17 previous motion by adding to it the recommendation that
18 the Committee on Rules give some attention to the
19 relationship between the attendance of delegates at
20 committee meetings and their right to vote on such
21 committees. Is there any discussion on the motion to

1 amend? Ready? Delegate White?

2 DELEGATE WHITE: In support of the motion, Mr.
3 President, and members of the Convention, some of us
4 find that proposals in which we are vitally interested
5 and which we have pursued very diligently through
6 hearings, committee discussions, et cetera, for many
7 weeks, are occasionally upset by some committee members
8 who have possibly been in attendance three times in such
9 committee since September 12.

10 Without wishing to appear unkind, I question
11 the motivation and capacity of such delegate to cast an
12 intelligent vote when he has been absent on so many
13 occasions, coming on a bit before 2 o'clock to push the
14 green button and going back home.

15 THE PRESIDENT: Is there any further discussion
16 on the motion to amend? Delegate Lloyd Taylor.

17 DELEGATE LLOYD TAYLOR: Mr. President, I have
18 a question to address to Delegate White.

19 THE PRESIDENT: Will Delegate White yield for
20 a question?

21 DELEGATE WHITE: Yes.

1 DELEGATE LLOYD TAYLOR: In the consideration of
2 the voting, would you allow for a real good excuse or
3 reason for absence, take it into consideration?

4 DELEGATE WHITE: My reply to that is it is
5 all right but the question posed to some of us will be
6 on a particular question. As you all know, when a person
7 has been in attendance three times since September 12,
8 I question how he could be excused for only appearing
9 five minutes to two each day and go back home.

10 THE PRESIDENT: Delegate Rybczynski, do you
11 desire the floor?

12 DELEGATE RYBCZYNSKI: Mr. President, I would
13 vote against this motion. I think Congressman Miller
14 is as capable of voting on any issue as any man in our
15 committee.

16 THE PRESIDENT: Any further discussion?
17 Delegate Storm. This is discussion on the motion to
18 amend.

19 DELEGATE STORM: I would just like to mention
20 that on the Committee on the Executive Branch we have
21 several members, not including myself, who really have known

1 more than any of the experts that would testify. Those
2 fellows have been in attendance all the time but their
3 source of knowledge is so vast that if they wanted to
4 skip all of this, they really could and still know more
5 than most any member sitting on this floor. I suggest
6 we would be penalizing sometimes people who are very well
7 qualified.

8 Then in my own instance I have been absent
9 two times -- excusable, Mr. President, I think. I
10 intend to ask both the liberals and the conservatives
11 to get what happened while I was out. I think I will
12 be briefed very well by them. I do believe we would
13 be taking a dangerous step if we placed voting or
14 conditioned voting on attendance. Some people don't
15 need to attend and some who do need to attend will get
16 all the benefit even though they have not attended.

17 This would also require some delegates who want
18 to testify in other committees not to be able to vote
19 back on their one substantive committee. It might be
20 good to prevent some of the fellows with more votes than
21 one, if you want to interpret it that way, but one woman,

1 one vote, that's the best principle. If the party has
2 been in attendance or has the knowledge to vote, don't
3 penalize him because of his absence.

4 THE PRESIDENT: Any further discussion on
5 the motion to amend? Delegate Gallagher?

6 DELEGATE GALLAGHER: Mr. President, I move
7 the previous question.

8 THE PRESIDENT: The previous question has been
9 called for. Is it seconded?

10 (The motion was duly seconded.)

11 THE PRESIDENT: It takes precedence. Ready
12 for the question? All in favor of the previous question,
13 signify by saying Aye; contrary, No. The Ayes have
14 it. The previous question is ordered. The question
15 arises on the motion to amend the motion to refer --

16 DELEGATE WHITE: Mr. President.

17 THE PRESIDENT: For what purpose does Delegate
18 White rise?

19 DELEGATE WHITE: I rise on a point of personal
20 privilege.

21 THE PRESIDENT: State the personal privilege.

1 DELEGATE WHITE: My good friend from the First
2 District, Rybczynski, has called the name of Delegate
3 Miller and he has fallen into the same trap which he
4 alleges my good friend Nick on my committee allegedly
5 fell into by calling names.

6 THE PRESIDENT: Delegate White, I do not
7 believe you are speaking to a personal privilege under
8 the rules.

9 DELEGATE WHITE: I understood that he stated
10 that the motion was aimed at Mr. Miller. It was not.

11 THE PRESIDENT: Very well, sir.

12 DELEGATE WHITE: I wish to rebut this. I did
13 not have Delegate Miller in mind. I am aware of his
14 infirmity and I am not going to call the name of the
15 person whom I have in mind unless I am requested to do
16 so by the Chair, but I refer to a gentleman I have
17 personal knowledge of.

18 THE PRESIDENT: Delegate White, I think you
19 are exceeding the point of personal privilege. The
20 question arises on the motion to amend the motion by adding
21 at the end thereof a provision that the Committee on

1 Rules give attention to the relationship between the
2 attendance of members at meetings of substantive committees
3 and their voting as members of such committees. A vote
4 Aye is a vote in favor of the amendment, a vote No is
5 a vote against the amendment. All in favor of the amend-
6 ment signify by saying Aye; contrary, No. The Noes have
7 it. The motion is lost. Delegate Gleason.

8 DELEGATE GLEASON: Mr. President --

9 THE PRESIDENT: The question now is on the
10 principal motion.

11 DELEGATE GLEASON: I move the previous question.
12 (The motion was duly seconded.)

13 THE PRESIDENT: Previous question having
14 been moved and seconded -- for what purpose does Delegate
15 Weidemeyer rise?

16 DELEGATE WEIDEMEYER: I rose not knowing they
17 were going to vote on this matter to make a motion to
18 substitute --

19 THE PRESIDENT: I think the motion would be
20 out of order. This motion takes precedence. Ready for
21 the question? The question arises on the motion to

1 refer resolution No. 18 to the Committee on Rules,
2 Credentials and Convention Budget for consideration and
3 report of its consequences in the light of Convention
4 Rule 28.

5 DELEGATE GLEASON: Mr. President.

6 THE PRESIDENT: The question arises on the
7 motion of the previous question. I am sorry. All those
8 in favor of the motion to the previous question, signify
9 by saying Aye; contrary, No. The Ayes seem to have it.
10 The Ayes have it. The previous question is ordered.

11 The question now arises on the motion to refer
12 Resolution No. 18 to the Committee on Rules, Credentials
13 and Convention Budget for consideration and report of
14 its consequences in the light of Convention Rule 28. A
15 vote Aye is a vote in favor of the motion, a vote No
16 is a vote against the motion. The Chair thinks a roll
17 call vote is desirable. For what purpose does Delegate
18 Storm arise?

19 DELEGATE STORM: Point of inquiry. Mr. President,
20 what would be the effect on Resolution No. 18 if this is
21 not referred to the committee?

1 THE PRESIDENT: It is still on the floor
2 for discussion and consideration. Or I suppose, no, it
3 is on the floor, and unless some action is taken pursuant
4 to another motion, it would be referred by the Chair
5 pursuant to the rules of the Convention.

6 DELEGATE STORM: In other words, it would
7 not still be in effect.

8 THE PRESIDENT: It would not be. A motion
9 to adopt Resolution 18 has been reconsidered. For what
10 purpose does Delegate Weidemeyer arise?

11 DELEGATE WEIDEMEYER: Point of inquiry, Mr.
12 President. If the motion to refer to the Rules Committee
13 is turned down, would it be in order then today to
14 consider the matter here on the floor?

15 THE PRESIDENT: If a proper motion is made
16 before it is referred to a committee, yes.

17 DELEGATE WEIDEMEYER: Thank you, Mr. President.

18 THE PRESIDENT: So there can be no misunder-
19 standing, the question arises on the motion to refer
20 Resolution No. 18 to the Committee on Rules, Credentials
21 and Convention Budget for consideration and report of its

1 consequences in the light of Convention Rule 28. A vote
2 Aye is a vote in favor of the motion to refer to the
3 committee, a vote No is a vote against the motion. Roll
4 call vote.

5 (Whereupon a roll call vote was taken.)

6 THE PRESIDENT: Has every delegate voted?
7 Does any delegate desire to change his vote? If not,
8 the Clerk will record the vote. There being 86 votes
9 in the affirmative and 42 in the negative, the motion
10 is carried, and Resolution No. 18 is referred to the
11 Committee on Rules, Credentials and Convention Budget.

12 Delegate Scanlan, I understood you to announce
13 that you would be able to have a meeting of your
14 committee in time to report on this resolution at the
15 meeting Monday afternoon. I urge you to do so. Delegate Fox.

16 DELEGATE FOX: A point of parliamentary
17 inquiry. Would it be in order to move that the name of
18 the delegate referred to in the colloquy between
19 Delegate Rybczynski and Delegate White be stricken from
20 the record..

21 THE PRESIDENT: I suppose it is in order. It

1 means in effect a motion to expunge from the record and
2 I suppose this can physically be done on the tape as well
3 as I know it can be done on the transcript.

4 DELEGATE FOX: I would like to make the
5 motion that the name of the delegate referred to in
6 that colloquy be expunged from the record.

7 (The motion was duly seconded.)

8 THE PRESIDENT: Is there any discussion?
9 Delegate Storm?

10 DELEGATE STORM: Point of inquiry. How will
11 the record read then? Will it read that I believe that
12 Delegate blank --

13 THE PRESIDENT: Delegate Storm, you have
14 put your finger on one of the difficult problems in
15 securing the services of a person to act as historian or
16 editor of the record. This will be a matter that is
17 referred to the historian and editor to carry out the
18 sense of the Convention.

19 DELEGATE STORM: Mr. President, may I then
20 speak on the motion.

21 THE PRESIDENT: You may.

1 DELEGATE STORM: Maybe I misunderstand this
2 but it seems to me the only results of that colloquy
3 was Delegate Miller was paid a compliment and another
4 delegate who said he didn't mean to be uncomplimentary
5 to him so I just thought it made him appear as a very
6 able delegate and I saw no harm in it.

7 If there is harm in it, tell me, and I will
8 vote with you, Delegate from Worcester County.

9 THE PRESIDENT: Does Delegate Fox care to
10 answer?

11 DELEGATE FOX: I am from Wicomico County. I
12 see no reason for debating it one way or the other.
13 I think it was an unfortunate reference, best not made at
14 all.

15 THE PRESIDENT: Any further discussion? The
16 question arises on the motion to expunge from the record
17 the name of the delegate referred to in the colloquy
18 with respect to the motion as to resolution No. 18. All
19 in favor -- Delegate Edward Miller.

20 DELEGATE EDWARD MILLER: Mr. Chairman, I don't
21 know whose privileges are being involved in this but

1 personally I appreciate any nice remarks that have been
2 made about me. I don't feel particularly embarrassed.
3 As our very competent chair lady knows, I advised her
4 ahead of times that under doctor's orders I have certain
5 treatments that have required me to miss a few of our
6 meetings. I don't think it has interfered with my capacity
7 but I haven't forced my vote. I don't know who is with
8 me or against me in this matter. Far as I am concerned,
9 I think the record staying just where it is speaks for
10 itself. I am not embarrassed about it and I hope nobody
11 else is. (Applause.)

12 THE PRESIDENT: Delegate Fox, in view of the
13 statement by Delegate Miller, would you care to --

14 DELEGATE FOX: I would be glad to withdraw
15 my motion.

16 THE PRESIDENT: Thank you and thank you,
17 Delegate Miller.

18 Are there any other motions or resolutions?
19 If not, I have a few announcements to make. I had intended
20 to announce the designation of voting memberships to the
21 two Vice Presidents on the three committees to which each

1 is respectively assigned. But in view of the action on
2 Resolution 18, I will not do so.

3 The attendance of delegates at yesterday's
4 showing of the film, "The Mighty Oak," was zero. The
5 film will be shown in this chamber immediately after the
6 conclusion or say ten minutes after the conclusion of the
7 session Monday afternoon. Thereafter it will not be shown
8 except by request, it will be shown at any time upon
9 request of delegates.

10 The script of the film, "The Mighty Oak," has,
11 I believe, been circulated and is on your desks. Are
12 there any announcements by committee chairmen? Delegate
13 Kiefer.

14 DELEGATE KIEFER: Mr. President, the Committee
15 on Personal Rights and the Preamble has been conducting
16 hearings on eminent domain, will continue to do so after
17 this session. On Monday afternoon at 1 o'clock the
18 committee will reassemble, at 2 o'clock it will hear
19 from Judge Barnes, Wilson Barnes, who will speak on
20 several specific matters.

21 This will conclude the hearings of this

1 committee except for those delegates who may not have had
2 a chance to speak on the proposals that have been referred
3 to the committee and also it does not include the preamble
4 which has been scheduled for hearing for tomorrow but
5 will be set up for one day next week.

6 Tomorrow afternoon after the Convention and
7 after "The Mighty Oak" the committee will reassemble
8 to consider further by debate and decision some of the
9 problems before it.

10 THE PRESIDENT: You mean Monday afternoon?

11 DELEGATE KIEFER: Yes, I am sorry.

12 THE PRESIDENT: Delegate Mudd.

13 DELEGATE MUDD: Mr. President, the Committee
14 on the Judicial Branch will meet immediately following
15 this plenary session to receive the report of the sub-
16 committee dealing with the office of Sheriff. The
17 deliberations of this committee this afternoon will be
18 with respect to the office of Sheriff and Clerk of the
19 Court, under the guidance of Delegate Henderson in my
20 absence.

21 THE PRESIDENT: Delegate Sherbow.

1 DELEGATE SHERBOW: Mr. President, our committee
2 has possibly concluded hearings from witnesses but we have
3 requested some of the legislative leaders to be present
4 at a meeting. They have agreed to come Monday at 5
5 o'clock and I would like to ask all the members of the
6 Committee on Finance and Taxation to please be ready over
7 at our hearing room Monday afternoon at 5 o'clock.

8 THE PRESIDENT: Delegate Moser.

9 DELEGATE MOSER: Mr. President, the Committee
10 on Local Government will reconvene immediately after this
11 session. Delegates have been afforded an opportunity
12 to be heard on all proposals referred to the Local
13 Government Committee through yesterday. We will schedule
14 a hearing on Proposal No. 418 referred today to Local
15 Government Committee at 9 a.m. on Tuesday morning. And
16 any other proposals that are introduced through Monday
17 will be heard at that time.

18 The committee will meet at 2 p.m. on Monday
19 and after the session on Monday afternoon the committee
20 will commence final action or votes leading to final
21 action on all sections of the Local Government Article.

1 THE PRESIDENT: Delegate Morgan.

2 DELEGATE MORGAN: Mr. President, the Committee
3 on the Executive Branch will meet immediately following
4 this plenary session hopefully to conclude our decision-
5 making process.

6 THE PRESIDENT: Any other announcements by
7 committee chairmen? Delegate Koss.

8 DELEGATE KOSS: Mr. President, the Committee
9 on Suffrage and Elections will meet at 1 o'clock on
10 Monday to consider the report of the subcommittee on
11 frequency of election and proceed from then on when
12 necessary to take votes on substantive issues. Thank
13 you.

14 THE PRESIDENT: Delegate Gallagher.

15 DELEGATE GALLAGHER: Mr. President, the
16 Committee on Legislative Branch will meet immediately
17 after the end of this session to continue its voting
18 on the package before it and will continue voting this
19 afternoon and this evening until completed. We will
20 meet again Monday at 2 p.m.

21 THE PRESIDENT: Delegate Dulany.

1 DELEGATE DULANY: Mr. President, ladies, and
2 gentlemen, we reached the halfway point or just about the
3 halfway point of this Convention and yet we haven't had
4 the exciting floor debates nor the stimulating news
5 stories produced from a final decision on the floor of
6 the Convention.

7 In spite of that, we have had excellent news
8 coverage. I have enough difficulty, I think, grasping
9 the issues in one committee, but our newspaper reporters
10 have to grasp them in all eight committees. I think
11 they have done an excellent job on informing the public
12 on issues to this moment. I would like to express
13 appreciation of the Committee on Public Information to
14 the press for their excellent coverage of the Convention.
15 (Applause.)

16 THE PRESIDENT: Delegate Boyer.

17 DELEGATE BOYER: Mr. President, in order to
18 allow the typists and the duplicating process to catch
19 up with the discussions we have had and decisions we have
20 reached over in General Provisions, there will be no meeting
21

1 today after the session. We will begin again on Monday
2 immediately after the adjournment of the Monday afternoon
3 session so that we can get into some other areas and
4 we will be voting next week final votes on the many
5 matters, variety of matters, we have before us.

6 I might want the committee that we will
7 probably be meeting several evenings next week. Thank
8 you, sir.

9 THE PRESIDENT: Further announcements of
10 committee chairmen? Delegate Scanlan.

11 DELEGATE SCANLAN: The Committee on Rules will
12 meet at 3 p.m. on Monday.

13 THE PRESIDENT: Further announcements by
14 committee chairmen? Delegate Chabot.

15 DELEGATE CHABOT: Mr. President, I would
16 like my presence recorded.

17 THE PRESIDENT: Any other delegates present
18 now not present at roll call desire to record their
19 presence? Delegate Storm.

20 DELEGATE STORM: I rise for another --

21 THE PRESIDENT: Let me get this first. Are

1 there any delegates present now not present at roll call
2 who desire to record their presence? If not, the Chair
3 recognizes Delegate Storm.

4 DELEGATE STORM: I just thought it might be
5 of interest, Mr. President, to know that the delegate
6 from Frederick County will be holding a public meeting
7 in Frederick tomorrow. Anyone who wishes to come is
8 welcome. This will be at 4:30 at the Court House.

9 On Saturday I think it would be well to note,
10 since we will not be here to congratulate personally
11 that Delegate Cleveland is, I believe, celebrating a
12 birthday, and many members of his distinguished family
13 will be joining this distinguished delegate to wish him
14 a happy birthday. I wish him a happy birthday. (Applause.)

15 THE PRESIDENT: Delegate Marion.

16 DELEGATE MARION: Mr. President, although I
17 think most, if not all, of the members of the group have
18 had to leave before now, I wanted to acknowledge to the
19 Convention the presence today earlier this afternoon in
20 the gallery here and in several committee sessions this
21 morning of approximately 25 members of the tour group of

1 the Johns Hopkins University Women's Club who were here
2 under the chairmanship of Mrs. Byron Tepper.

3 THE PRESIDENT: Any further announcements
4 by delegates? Delegate Murray.

5 DELEGATE DOROTHY MURRAY: Thank you, Mr.
6 President, I rise to a point of personal privilege.

7 THE PRESIDENT: State the privilege.

8 DELEGATE DOROTHY MURRAY: We have done a
9 little name calling. Please take this in the right way.
10 I would like to add a name to this. We have a delegate,
11 I mean a page, from Prince Georges County, Miss Vicki
12 Kidd, an ex-student. I couldn't let the day go by
13 without having Vicki introduced to this group. Vicki,
14 will you rise, please. (Applause.)

15 THE PRESIDENT: Delegate Bradshaw.

16 DELEGATE BRADSHAW: Mr. President, the
17 members of the Montgomery County Delegation will meet
18 promptly at 9:45 tomorrow morning in the County Office
19 Building where we will conduct Citizens Day. We expect to
20 get the advice and counsel of the citizens of Montgomery
21 County at this midway point in our Convention.

1 THE PRESIDENT: Any further announcements by
2 delegates? If not, the chair recognizes Delegate Powers,
3 Chairman of the Committee on Calendar and Agenda.

4 DELEGATE POWERS: Mr. President, I move we
5 adjourn until 4 p.m. Monday, October 30.

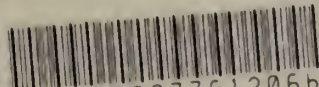
6 THE PRESIDENT: All in favor, signify by
7 saying Aye; contrary, No. The Ayes have it. So ordered.

8 (The Constitutional Convention adjourned
9 at 3:05 p.m.)

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